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# INTERNATIONAL LABOR CONFERENCE

## FIRST ANNUAL MEETING

OCTOBER 29, 1919 - - NOVEMBER 29, 1919



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#### III.—Workers' Delegate.

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#### Advisers.

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#### Advisers.

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Mr. DESIRÉ GLIBERT, General Inspector of the Labor Medical Service.  
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Mr. MARCEL FRAIPONT, Director General of the Glass Works of Val St-Lambert.  
Mr. JULES LECOCQ, Secretary and Treasurer of the Central Industrial Committee for Belgium.

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Sr. CARLOS LOVEIRA Y CHIRINO, Ex-Delegate of the American Federation of Labor to South America.

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Mr. CHARLES SPINKA, Inspector of Labor.

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*Adviser.*

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*III.—Workers' Delegate.*

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Mr. MAX LAZARD, Secretary General of the French Association on Unemployment.



*Advisers.*

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 Mrs. LETELLIER, Labor Inspector.  
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 Mr. J. F. G. PRICE, Assistant Secretary, Ministry of Labor.

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 Mr. HOWARD WILLIAMS, Assistant General Manager of the London  
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 Mrs. B. MAJORIBANKS, Late Chief of the Employment Bureau for  
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*Advisers.*

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 Mr. T. SHAW, M. P., Weavers' Association.  
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 Miss MARY MACARTHUR, National Federation of Women Workers.

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 Mr. ANGELUS SKINZOPOULOS, Inspector of Industry of the Ministry  
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*III.—Workers' Delegate.*

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*II.—Employers' Delegate.*

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 Dr. G. DI PALMA CASTIGLIONE, Royal Inspector of Emigration,  
 replacing Mr. Angiolo Cabrini, Member of the Chamber of Depu-  
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*Advisers.*

Mr. BERNARDI, Chief Inspector of Industry and Labor.  
 Mr. G. FASOLATO, Inspector of Industry and Labor.  
 Mrs. CASARTELLI CABRINI, General Secretary of Women's National  
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*Adviser.*

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III.—*Workers' Delegate.*

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Dr. MINORU OKA, Ex-Director of the Bureau of Commerce and Industry of the Department of Agriculture and Commerce.

*Advisers.*

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Mr. G. J. VAN THIENEN, Chief Inspector of Labor.

*Advisers.*

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III.—*Workers' Delegate.*

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Mr. FEDERICO CALVO.

II.—*Employers' Delegate.*

Mr. JOSÉ A. ZUBIETA.

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*Advisers.*

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*III.—Workers' Delegate.*

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*Adviser.*

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Mr. JOZEF RYMER, Member of Parliament, President of the Polish Workers' Union of Upper Silesia.

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*III.—Workers' Delegate.*

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Maj. THOMAS FERNANDES.

*II.—Employers' Delegate.*

Mr. ALVARO DE LACERDA, Acting President of the Commercial Association, Lisbon.

*III.—Workers' Delegate.*

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*Advisers.*

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*II.—Employers' Delegate.*

Mr. MARKO BAUER, Secretary of the Employers' Association, Zagreb.

*III.—Workers' Delegate.*

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Phya CHANINDR BHAKDI, Secretary of the Legation of Siam at Washington.

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*II.—Employers' Delegate.*

Mr. WILLIAM GEMMILL, F. I. A., Labor Adviser and Actuary of the Transvaal Chamber of Mines.

*III.—Workers' Delegate.*

Mr. ARCHIBALD CRAWFORD, Secretary of the South Africa Industrial Federation and of the South African Trade Union Congress.

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Mr. ADOLFO GONZALEZ POSADA, Director in the National Institute for Social Reforms; Professor of the Central University of Madrid; Member of the Academy of Moral and Political Sciences; Representative of the Spanish Government to the Conference.

*Advisers.*

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Marquesa DE CASA CORTÉS.

Mrs. TERESA ESCORIAZA, Teacher.

Mr. PEDRO SANGRO, Assistant of the National Institute for Social Reforms; Secretary of the Spanish Section of the International Association for the Protection of Laborers.

*II.—Employers' Delegate.*

Mr. ALFONSO SALA, M. P., Honorary President of the Industrial Institute of Tarrasa; Ex-Director General of Commerce.

*Advisers.*

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Mr. MIGUEL SASTRE, Publicist.

*III.—Workers' Delegate.*

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*Advisers.*

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*Adviser.*

Dr. HENRY WEGMANN, Federal Inspector of Factories of the Third District at Zurich.

*II.—Employers' Delegate.*

Mr. DIETRICH SCHINDLER, Director General of the Oerlikon Machine Factory.

*III.—Workers' Delegate.*

Mr. CONRAD ILG, National Counsellor, Secretary of the Swiss Federation of Metal and Clock Workers.

**Uruguay.***Government Delegates.*

Dr. JACOBO VARELA, Envoy Extraordinary and Minister Plenipotentiary at Washington.  
 Mr. HUGO V. DE PENA.

**Venezuela.***I.—Government Delegates.*

Dr. DON SANTOS A. DOMINICI, Envoy Extraordinary and Minister Plenipotentiary at Washington.  
 Mr. NICOLAS VELOZ, Consul General at New Orleans.



# International Labor Conference.

FIRST SESSION—WEDNESDAY, OCTOBER 29, 1919.

The conference convened at 11.30 a. m., Hon. W. B. Wilson, Secretary of Labor of the United States, presiding.

Secretary of Labor WILSON. Ladies and gentlemen, members of the International Labor Conference, on behalf of the Government, that is to say, the people of the United States of America, and in the name of the President, I bid you welcome to our country and to this great conference. Our latchstrings are out, our homes are your homes, our hearthstones are your hearthstones; we want you to feel that you are not strangers at the gate, but part of us.

The questions with which this organization as a continuing body will have to deal constitute the great unsolved, but not unsolvable, problem of spiritual and material development. From the days when Moses, as the spokesman, the angel, the walking delegate of the brickmakers of Israel, until the present time, the relationship that should exist between employers and employees, the best means of securing the acme of production while safeguarding those who toil, and the equitable distribution of that which has been produced, have been ever present questions. Upon the proper solution of these questions depends the future progress of the world.

Nor is it to be expected that they can be solved by the struggles and clash of contending interests, though these may help bring into the light the different factors that have to be taken into consideration. No one can expect that we can build overnight the machinery that will move us from the chaos of to-day to the universal justice, harmony, and happiness contained in our ideals.

We must proceed by the slow process of experiment, of building one block upon another, of discarding that which is found to be bad and retaining that which is good, and our experiments should be so adapted that no explosions will take place which will destroy the basis of the structure of modern civilization, the democratic institutions that exist in numerous nations of the world; for, after all, of what avail the plough and sail, or land, or light, or life, if freedom fail? [Applause.]

To you is intrusted the scientific analysis of the labor question. On the accuracy with which you consider all the elements will depend the value of the result. It is not sufficient to consider only material things. The great human struggle of the race has achieved a condition of society where the individual can find the fullest measure of the expression of his spiritual nature and the highest standard of material comfort that his energy and intelligence can produce, commensurate with the well-being of the man. And in all of this, the prime factor is the man himself. Any conclusion that this conference may arrive at which does not give full consideration to the fact that the workers of the world are living, moving, sentient human beings, with all the hopes and aspirations that God has implanted in the human breast, will fail of the purpose for which this body has been created.

This institution represents the first concerted effort on the part of the nations of the earth to deal with the problems of labor in a comprehensive manner. We are all glad that the hostilities of the world conflict have ceased. We are glad that the treaty of peace has been signed and is about to be ratified. We are endeavoring to find means by which future wars may be eliminated or reduced to a minimum. War is waste. As Sherman said, "War is hell." If it is worth while to put forth our greatest efforts to promote peace amongst the nations of the earth, it is well worth while also to promote industrial peace—to work out our problems by the process of

reasoning rather than by the arbitrament of the sword. To the accomplishment of that great task you have been called.

In the treaty of peace two distinct functions have been intrusted to the United States: First, that of convening this conference, and, second, that of organizing it. The treaty specified that it must be convened in October, and the first function intrusted to us is an accomplished fact.

The second function, that of organizing the conference is a continuing process until the organization has been completed. The completion of the organization can not take place until the League of Nations has been created. While the final technical steps have not been taken, the creation of the League of Nations is now an assured fact. We can, therefore, go on with the definite assurance that it will be ultimately completed, and I take the liberty of suggesting that this conference proceed during the process of organization to the consideration of the questions it has before it. [Applause.]

I now have the great pleasure of presenting to you the Director General of the Pan American Union, Mr. John Barrett, who on behalf of that great international organization will bid you welcome.

Mr. JOHN BARRETT. Mr. Chairman, officers, members, and guests of the International Labor Conference, it is a great honor and pleasure, as well as a delightful duty to extend to you, in my capacity as executive officer of the Pan American Union, and hence as the official host, so to speak, of this house, a sincere welcome to its use for your session. May I correct the interpreter and say that I have not the honor of being president of the Pan American Union, for if there were a president, he is ex officio the Secretary of State of the United States. I am simply executive officer and director general. That you may appreciate the significance of this environment, permit me to state that you are assembled in a unique structure, an international building in every respect, the only one in the wide world belonging to a large group of nations, and also the permanent home of a great and successful league of nations which has been in practical existence for nearly 30 years, and during that period has known no serious armed conflict between any two or more of its constituent members.

The Pan American Union, defined in a sentence, is the official international organization of the 21 independent American Republics devoted to the development of friendship and intercourse, commerce and trade, good will and peace among them all, controlled by a governing board, or supreme council composed of the diplomatic representatives in Washington of the 20 Latin American Governments and the Secretary of State of the United States; maintained by their joint contributions of quotas based on their population, and conducting a vast work of spreading helpful information and beneficent knowledge throughout the world relating to every American country by the aid of a staff of experts in international affairs, statistical and educational sections, a comprehensive library, reading room, collection of maps and charts; numerous publications, reports, and other informative data, all of which you are respectfully invited to enjoy or to inspect or study.

This noble edifice was erected through the munificence of the late Andrew Carnegie and the contributions of all the American Republics, and dedicated forever to the cause of Pan American peace and progress. In this Hall of the Americas you will note that the dominating suggestion is found in the word "Pax" high up in the



four corners. In yonder council chamber meets every month the governing board of the supreme council of the Pan American Union—around the same table sit, elbow to elbow, the plenipotentiaries of 21 nations and 200,000,000 people bent upon preserving the peace and prosperity of the new world and aiding thereby in preserving the peace and prosperity of all the world. May the tradition, the record, and the achievements of such an organization, the combination of the beautiful and the practical in this building, and the environment which it suggests of peace and progress, be an inspiration and help to you in working out the intricate problems that are before you. The building is yours. [Applause.]

The PRESIDENT. The representative of the Italian delegation is recognized.

Baron Mayor des PLANCHES (Italy). Gentlemen. I address you as the representative of a country at once among the oldest and among the youngest of nations; and also as one of the oldest members of this assembly. And, in behalf of all of you, I wish to thank the American Government for being the first to extend hospitality to the Labor Conference, and for bringing us together in this beautiful capital, the name of which recalls one of the greatest men of whom the history of humanity can boast.

A shadow, however, dims our pleasure in the reception given us; we all regret, from the bottom of our hearts, the temporary illness of the Chief Executive of the United States and we earnestly hope for the speedy recovery of one who is so dear to his country and to humanity. [Applause.]

I also wish to thank the British Government in your name, for accepting and carrying to a successful issue in the space of a few months the difficult task of organizing the conference which was to assemble at Washington.

We owe it to these two countries that we are now able to meet here today with a clearly defined program before us, and ready to take up after methodical preparation our great and noble task. I speak advisedly in saying, a great and noble task. All who take part in these discussions surely realize their importance. Outside of these walls the world will appreciate the object of our efforts, which is the securing of social peace.

It is the first time in history that delegates of the working class, of the employing class, and of the Governments have been brought together, truly representing the nations in their entirety. We meet with feelings of sincere good faith to work together toward a common end which may be summed up as follows: To assure to the workers that minimum of material well-being indispensable to progressive development, and to secure continuity of production to the benefit of all.

We regret to note the absence, for reasons which we are not called upon to comment on, of the delegates of American employers and workmen. I think that I am expressing the sentiments of all those present in proposing that a special invitation be sent to their delegates, already appointed by the Secretary of Labor, Mr. Wilson, so that they may take part in our task.

With these explanations, I offer the first motion, which reads as follows:

I. The delegates of the Governments, the employers and the workers, now assembled at Washington, desire to express at the beginning of their labors their most sincere thanks to the Government of the United States for having undertaken to convene this conference, and to convey their most fervent wishes for the speedy restoration to health of the President of the United States.

The second motion is this:

The second motion is this:

II. The delegates of the Governments, the employers and the workers here assembled request the organizing committee to invite the organizations of workers and employers of the United States, already named by the Secretary of Labor, Mr. Wilson, to send their delegates to this conference.

[The president of the conference, Secretary Wilson, put the two proposals to the members of the conference, whereupon they were unanimously adopted. (Applause.)]

The PRESIDENT. The next matter for consideration by the conference is a report by Mr. Arthur Fontaine, chairman of the organizing committee, and I suggest that as that report is likely to be of some length, we recess until 3 o'clock and reconvene at that time to proceed with hearing the report of the organizing committee. If there is no objection, we will recess until 3 o'clock. I hear none, and we recess.

[Recess until 3 o'clock.]

## SECOND SESSION—WEDNESDAY, OCTOBER 29, 1919.

The conference opened at 3 o'clock, Hon. W. B. Wilson, Secretary of Labor, presiding.

The PRESIDENT. Your secretary has a communication which will be read.

The CLERK OF THE CONFERENCE. This is a letter from Mr. Barnes' secretary, addressed to the president:

I am desired by Mr. Barnes to inform you that owing to illness he is unable to attend the opening of the International Labor Conference to-day, and he accordingly desires to appoint a substitute. Mr. J. F. Price, adviser to the British Government delegation, will be prepared to act in this capacity.

Mr. Barnes wishes me to add that he deeply regrets his inability to be present at the opening of the conference, which, however, he expects to be able to attend in a day or two.

The PRESIDENT. I am sure that I express the sentiment of the entire conference when I regret that Mr. Barnes is ill and can not be with us, and hope for his speedy and complete recovery. If there is no objection, his request in reference to a substitute will be complied with. The minister from the Serbs, Croats, and Slovenes is recognized.

Mr. GROUTCH (Serbs Croats and Slovenes). Mr. Chairman, ladies and gentlemen, I wish to submit a resolution. We have this morning expressed our thanks to the United States Government and to the British Government for the part which they have taken in the organization of this conference. But it seems to me that we have another duty to perform, and I think we ought to perform it at once.

We are here as the guests of the Pan American Union. We are in the building belonging to the Pan American Union and we have heard the address of the director general, Mr. John Barrett, this morning, who has explained its purpose to us. Many of us knew it already. As I said, I think it our duty to express our thanks to the director general, Mr. Barrett, and through him to the Pan American Union for the hospitality which they have extended to us.

The PRESIDENT. The representative from the Swedish Government is recognized.

Judge SJOBORG (Sweden). I desire to second the motion.

The PRESIDENT. You have heard the resolution. The question is now on the adoption of the resolution as presented.

[Upon being put to a vote the resolution was unanimously adopted.]

The PRESIDENT. Mr. Fontaine, on behalf of the organizing committee, is recognized. [Applause.]

Mr. FONTAINE (France), president of the organizing committee, reads report:

### REPORT OF THE PRESIDENT OF THE ORGANIZING COMMITTEE.

On April 11, 1919, the Peace Conference approved, with some changes, the standing orders of the International Labor Organization (general annual conference, permanent office, governing body), prepared by its commission on international labor legislation. It also approved the provisions concerning a first meeting at Washington in October, 1919, of the International Labor Conference, and these provisions contained the agenda for this meeting. You all have in your hands the statutes of our



International Labor Organization. The agenda for the Washington conference is as follows:

1. Application of the principle of the 8-hour day or the 48-hour week.
2. Question of preventing or providing against unemployment.
3. Women's employment (a) before or after childbirth (including the question of maternity benefit); (b) during the night; (c) in unhealthful processes.
4. Employment of children: (a) Minimum age of employment; (b) during the night; (c) in unhealthful processes.
5. Extension and application of the international conventions adopted at Bern in 1906, on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

In the same session of April 11, 1919, the Peace Conference ordered its secretariat general to request the seven Governments designated in the annex to the labor part of the treaty (United States of America, Great Britain, France, Italy, Japan, Belgium, and Switzerland) to form the international organizing committee of the Washington Conference, and to appoint their representatives on this committee to begin its labors.

It will be remembered that by the terms of the annex the convocation and the organization of the first meeting were to be undertaken by the American Government if it accepted this function. The American Government was to be assisted, as far as the preparation of documents was concerned, by an international commission called the international organizing committee.

It will be remembered also that on August 11, 1919, a dispatch from the Department of State of the United States of America, addressed to the American Embassy at London and to the various Governments interested, was worded as follows (I quote the terms of the dispatch addressed to London and transmitted to Paris):

"The President of the United States, in accordance with the provisions of part 13 of the peace treaty between the allied and associated powers and Germany, signed at Versailles on June 28, 1919, and under authority vested in him by Congress, hereby convenes the first meeting of the annual labor conference, to assemble in Washington at noon on the 29th day of October, 1919. The Government of the United States extends to each nation which is, or which prior to said meeting shall become, a member of the International Labor Organization as defined in article 387, an invitation to send its delegates and other representatives to Washington, for the purpose of attending such conference."

From this date the international organizing committee, which had begun its labors on April 14, with a view to the first meeting of the conference, has cooperated with the American Government for the meeting called at Washington, and early in September its secretariat established itself at Washington to insure as far as possible that this cooperation should be effective.

The present report will sum up the work of the committee, all of which has to do with the agenda. It will comment briefly on this agenda, which, outside the five main questions enumerated above, can contain nothing but the motions and projects necessary to the functioning of the International Labor Organization. It will then give the names of the delegates and advisers, and announce the justifications and objections that have been addressed to it, leaving to the conference the examination of these objections, on which the committee has no mandate to give an opinion. Finally, in a last chapter, for purposes of record, it will set forth all the documents relative to the admission to the International Labor Organization of Germany, Austria, and possibly, if they request it, of other nations not included in the list of 45 States named in the peace treaty in the annex to the covenant of the League of Nations. These documents concern a question included in the agenda, pursuant to a decision of the Supreme Council of the Allied and Associated Powers; but they will be too large to be dealt with in the short analysis that will be given of the agenda. Moreover, they take the place of a preliminary report on this question, and it is well to present them separately, in order to assist clearness of discussion.

1. On the organizing committee, the United States has been represented first by Dr. J. T. Shotwell, professor at Columbia University, and then by Mr. Samuel Gompers; Great Britain by Sir Malcolm Delevingne; France by M. Arthur Fontaine; Italy by Signor di Palma Castiglione; Japan by Mr. M. Oka; Belgium by M. Mahaim; and Switzerland by M. W. E. Rappard, professor of University of Geneva, first, and then by M. Sulzer. Except for Dr. Shotwell, Mr. Gompers, and M. Rappard, the names of the members will be found in the list of the Government delegates to the conference, so that the organizing committee is complete before it.

On April 14 the committee met at Paris, outlined the field of its activities and its investigations, and instructed Mr. H. B. Butler, assistant secretary, British Ministry of Labor, to form the secretariat at London, to prepare the questionnaires, to collect the documents, to analyze the replies, and to undertake the editing of the reports. It was a large task, and sufficient time could not be allowed for it; but Mr. Butler has acquitted himself with no less devotion than competence.

From May 6 to May 9 the committee met at London, adopted the questionnaires relative to the first five questions included in the agenda by the Peace Conference, approved the terms of the circular which was sent on May 10, 1919, to the 45 States named in the annex to the covenant of the League of Nations. In the blue reports that have been distributed you have the text of this circular and of the questionnaires; the circular explained the reason for the questionnaires, the importance of replying to them immediately, and the work before the future conference.

At the same time the committee found itself led to lay the foundations of the relations of the International Labor Organization with the League of Nations, which is at the same time our minister of finance and our minister of justice, and on which depend both our budget and the future sanctions of the engagements that the nations may be brought to enter into with each other in the matter of labor legislation. The secretary general of the League of Nations was already anxious to know the probable outlines of the permanent labor office, and the working of the conferences, not to interfere with your independence and your autonomy, but in order to estimate the

expenses that would be incumbent on the League of Nations, which it might have to divide among the nations that were members of the International Labor Organization. He was also anxious to have the list of the States of chief industrial importance, because out of the 12 persons representing the Governments on the governing body of the International Labor Office, 8 are to be appointed from among the "members" industrially the most important (article 393). Now, as we shall see when we come to a summary examination of the agenda, these provisions of the treaty must be carried into effect immediately. Therefore, in strictly indispensable matters, with the consent of the American Government and at the request of the League of Nations, the organizing committee has been obliged, without in the least prejudicing the decisions of the future governing body, to fulfill a minimum of the functions of that body in order to facilitate the material preparations for the present conference.

The meetings of the organizing committee held in Paris on June 28 and 29, and in London, July 31 and August 5, were occupied in answering the various questions asked by the different Governments, in taking note of the relations established with the League of Nations, in proposing urgent measures relative to the organization of the conference by the American Government, in discussing the draft reports on the subjects included in the agenda, in drawing up a draft of the rules for the international conference (art. 401 of the peace treaty and art. 17 of the statutes), and in proposing a provisional list of the eight States of chief industrial importance.

Later, on August 20, 1919, the committee summed up its work and its proposals in a circular dated August 20, 1919, addressed to all the Governments, and through them to all the delegates already appointed. The following is an extract from this circular and the agenda that accompanied it:

#### "DISCUSSION OF QUESTIONS CONCERNING THE LABOR PART OF THE TREATY."

"The committee was asked whether questions concerning the constitution of the International Labor Organization could be discussed at Washington, or whether they could only be raised at the conference, in order to be included, if the conference should so decide, in the agenda for a subsequent conference in accordance with article 402 of the treaty.

"The committee replied that in its opinion—

"Under article 400 of the treaty the agenda for each meeting will in future be settled by the governing body, who are bound to consider any suggestions made to them by any of the Governments concerned; and under paragraph 3 of article 402 the conference may decide that any particular subject shall be included in the agenda for the following meeting. In the case of this year's meeting the agenda is determined by the annex to the labor convention, and it would not appear possible to initiate a discussion on the convention itself at that meeting, especially as it will have been accepted by all the States represented at the conference.

"At the same time, in order to avoid any misapprehension, the committee desire to state that in accordance with the decision of the Supreme Council of the Allied and Associated Powers communicated to Germany before the signature of the treaty of peace, the question of the admission of Germany to the International Labor Organization immediately after the Washington conference will be included in the agenda, but that, as in the case of other items of the agenda, this question is not inserted on the initiative of the organizing committee."

"The committee has drawn up the inclosed suggested program of the proceedings at the conference at Washington, and requests that copies may be communicated to each of the delegates nominated by your Government.

"The committee desires to confirm its telegram of August 12 with regard to the question of the eight States of chief industrial importance (art. 393 of the treaty), which was as follows:

"Article 393 of the peace treaty provides that of the 12 persons representing Governments on governing body of International Labor Office, eight shall be nominated by members of chief industrial importance and four by members selected by Government delegates of remaining members. Any question as to which are eight members of chief industrial importance must be decided by council of the League of Nations.

"Unless question of the eight members is settled before Washington conference, remaining four members can not be selected at conference, which should result in serious delay in constituting governing body and labor office.

"Organizing committee have accordingly drawn up following list of nine States on information available, though owing to war and formation of new States statistics very uncertain and compilation of list very difficult. Question of admitting Germany to the labor organization after the Washington conference will come before conference in accordance with decision of Supreme Council of Allied and Associated Powers. If admitted, Germany will be entitled to a seat on governing body and last-named State will lapse. If Germany is not admitted the last-named State will be included. The list is as follows:

|                |              |
|----------------|--------------|
| United States. | Belgium.     |
| Great Britain. | Japan.       |
| France.        | Switzerland. |
| Germany.       | Spain.       |
| Italy.         |              |

"Committee respectfully suggests any objections should be communicated to Secretary Organizing Committee, 53 Parliament Street, London, before September 10. Objections will be referred to council of league for decision before meeting of conference.

"Fontaine, President."

"It is of the utmost importance that this question should be decided before the conference meets in October, and the committee hope that any objections which may be taken to the list proposed by them may be sent to them for reference to the council of the League of Nations, by the date mentioned in the telegram.



"As stated in the committee's letter of May 10, the secretariat and office of the committee will be transferred to Washington as from September 1. It is requested that communications to the secretariat after August 30 should be addressed to Mr. H. B. Butler, care Department of Labor, Washington, except in the case of replies relating to the question of the eight States of chief industrial importance which should be sent to 53 Parliament Street, London, as stated in the telegram quoted above, as the committee itself will probably not proceed to Washington before October, in view of the postponement of the conference till the end of that month.

"We have the honor to be, sir, with great truth and respect, your obedient servants,

"ARTHUR FONTAINE, *Chairman.*

"H. B. BUTLER, *Secretary.*"

"SUGGESTED PROGRAM OF THE PROCEEDINGS OF THE CONFERENCE AT WASHINGTON.

- "1. Opening address.
- "2. Appointment of the president and vice presidents of the conference.
- "3. Report of the president of the organizing committee.
- "4. Appointment of the secretariat.
- "5. Appointment of committee on examination of credentials.
- "6. Submission of draft standing orders.
- "7. Appointment of committee of selection (draft standing orders, article 7).
- "8. Appointment of commission to consider the organization of the International Labor Office.
- "9. Application of the principle of the 8-hour day or 48-hour week.
- "10. Question of preventing or providing against unemployment.
- "11. Women's employment: (a) Before and after childbirth (including the question of maternity benefits). (b) During the night (including the Bern Convention of 1906 on night work for women). (c) In unhealthful processes.
- "12. The employment of children: (a) Minimum age of admission. (b) During the night. (c) In unhealthful processes.
- "13. Extension and application of the international convention adopted at Bern in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches.
- "14. Communication of the letter of the 19th May, 1919, from the secretary general of the Peace Conference conveying the suggestion of the Supreme Council of the Allied and Associated Powers on the question of the admission of Germany into the International Labor Organization.
- "15. Constitution of the governing body of the International Labor Office.
- "16. Date of next conference."

2. *Commentary on the draft of the program or agenda.*—A definitive draft, for at least the first two days of the meeting, has been circulated to the members of the conference, at the opening sitting.

The first remark to be made on our draft of the agenda is that the numbers assigned to the questions in no way affect the order of discussion, which the conference will determine for itself. In making this draft we have simply made a complete and logical enumeration of the questions for discussion.

The second remark is that the question of the admission of Germany no longer presents itself under the conditions that obtained on August 20, the date on which the circular was drafted. The admission of Germany, Austria, and possibly other countries, must be considered by the conference at once, as soon as it has a constitution and before it begins its labors. Such is the sense of the decisions and recommendations of the Supreme Council of the Allied and Associated Powers, which you will find reproduced in part 4 of this report, and which constitute the commentary on this very important point in the agenda.

We have no comment to make on the first four items of the program which concern the formation of the bureau and the secretariat.

No. 5. The committee on the verification of credentials, provided for under No. 5, is necessary in order to conform with the last paragraph of article 389 of the treaty.

"The credentials of the delegates and their technical advisers shall be verified by the conference, which may, by a two-thirds majority vote, cast by the delegates present, refuse to admit any delegate or adviser that it may consider not to have been appointed in conformity with the terms of the present article."

For this matter, which must be dealt with at once, it is proposed in article 3 of the draft standing orders that a committee of three members be appointed by the conference and the submission of a brief report of the organizing committee: "For the Washington conference the international organizing committee shall submit, the day before the opening, a report on all credentials which have reached it, irrespective of the date of receipt."

The commission and the conference will thoroughly examine all questions which may arise; the committee has no mandate to suggest solutions but only to explain the state of the matter.

Because of the fact that the names of the delegates and advisers came for the most part to the knowledge of the committee at the last moment, that most of them were accompanied by no official documents, that the objections received were unimportant, and that necessarily, for this first conference, the rules for the verification of credentials would be very liberal, the committee has confined itself to the short explanation that constitutes part 3 of the present report.

It will be recalled that the credentials of all delegates and advisers, in conformity with the general rule, are accounted valid until proved to be invalid.

No. 5. The draft standing orders have been distributed to all the members of the conference. They are founded upon the rules in force in various parliaments, at the same time taking into account the peculiar character of our conference, which

includes three parts—the Government representatives, the employers' representatives, and the workers' representatives.

Any comment is superfluous, since a commission of the conference will examine the draft, will make a report, and will propose such changes as may seem necessary.

If we propose that these rules be put into force temporarily at the opening of the meeting, and before their final adoption, it is because it is necessary to give the conference and the commission a certain time to examine them and because, moreover, it is impossible to leave a large assembly without rules for procedure—an assembly that is composed of 100 delegates and a number of advisers that may be twice as many, that is, nearly 300 in all.

No. 7. No. 7 provides for the appointment of a selection committee, if our proposal to put the draft standing orders in force temporarily is approved.

This committee would be instructed to draw up for submission to the conference lists for the various commissions that the conference may judge necessary to form in order to deal with the different items of the agenda. It appeared to us that in so large an assembly, consisting of members belonging to so large a number of nations and only slightly acquainted with each other, in an assembly formed, moreover, of three distinct parts which must be represented on all commissions, some selection committee was necessary. The final decision is, however, reserved for the conference itself. It is possible that the conference may see fit to extend the powers of this commission and to confer on it certain powers concerning the regulation of the agenda, at least until the governing body of the International Labor Office is appointed.

No. 8. It seems necessary that the conference should make known its views on the organization of the International Labor Office and should give certain directions to the governing body. A commission might well make proposals in this matter.

Nos. 9, 10, 11, 12, 13. We have nothing to add to the reports distributed to the conference on the subjects which constitute the main questions submitted to it for consideration.

We need only call attention to the fact that the recommendations attached to the reports are not the result of the deliberations of the committee and do not represent their personal opinions which they are prepared to defend before the conference. They are the result of the replies made to the questionnaires. It should be added that for certain matters, notably for the eight-hour day, the situation in various countries was changing as the report was being drawn up and that a completely accurate report was impossible.

The conference will decide on what matters it wishes to appoint a commission to make a new report and on what matters it judges that the reports distributed already offer a sufficient basis for discussion.

No. 15. Constitution of the governing body of the International Labor Office: We have placed the appointment of the governing body at the end of the agenda, because it seems desirable that the delegates should have had an opportunity to become acquainted with each other before proceeding to deal with this question.

The difficulties experienced in the nomination of eight representatives in accordance with the scale of industrial importance have not yet been solved. As indicated in their letter of August 20, 1919, the committee has suggested the following list:

The United States, Great Britain, France, Germany, Italy, Belgium, Japan, Switzerland, Spain, on the understanding that should Germany be admitted to the International Labor Organization, Spain would rank ninth.

The above list has been objected to by Canada, Poland, and Sweden.

Their objections were transmitted with a report to the Secretary General of the League of Nations at the beginning of October. A decision should be arrived at at the first sitting of the Council of the League of Nations. It does not appear advisable to-day to examine fully the reasons which inspired the action of the committee, as the conference will not have to determine this question.

On the other hand, it must be stated that we have found it impossible to take into account the data supplied by the new States whose borders were still ill-defined and whose statistics relating to the period before the war were of no assistance.

Our only purpose in drawing up the above list has been to facilitate as much as possible the drawing up of a final list and the decision of the League of Nations, so as to make possible the appointment of the governing body.

No. 16. Date of next meeting of the conference; suggestions should be examined in the light of the last paragraph of article 402 of the peace treaty.

"If the conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the delegates present that any subject shall be considered by the conference, that subject shall be included in the agenda for the following meeting."

It also appears advisable to consider the following passage contained in a resolution of August 29, 1919, of the Supreme Allied Council:

"It was decided in the treaty with Austria not to refer to the rights and privileges of allied workers on enemy territory, and vice versa, and to submit the proposal of the labor section, June 4, 1919, to the International Labor Conference at Washington."

To the same order also belongs a proposal which the present chairman has been asked by the French Government to offer relating to the holding of a special committee intrusted with the study of employment at sea and the enforcement of the eight-hour day. It is possible that other suggestions have been made which have not been brought to our knowledge.

3. *Summary report on the credentials of delegates and advisers.*—At the moment when this report is being drawn up, the situation, so far as the various Governments have notified the selection of their delegates and advisers and so far as the various objections which the above nominations have raised, is as follows: A list of the names of the various delegates and advisers has been printed by the general secretariat and handed over to the members of the conference.

Whatever information has been received is now submitted to the conference.



| Name of country.     | Governments. |           | Employers. |           | Employees. |           |
|----------------------|--------------|-----------|------------|-----------|------------|-----------|
|                      | Delegates.   | Advisers. | Delegates. | Advisers. | Delegates. | Advisers. |
| Argentina.....       | 2            | .....     | 1          | .....     | 1          | 2         |
| Belgium.....         | 2            | 4         | 1          | .....     | 1          | 9         |
| Bolivia.....         | 1            | .....     | .....      | .....     | .....      | .....     |
| Brazil.....          | 2            | .....     | .....      | .....     | .....      | .....     |
| Canada.....          | 2            | 12        | 1          | 5         | 1          | 5         |
| Colombia.....        | 1            | .....     | .....      | .....     | .....      | .....     |
| Czecho-Slovakia..... | 2            | .....     | 1          | 2         | 1          | 4         |
| Denmark.....         | 2            | 5         | 1          | 1         | 1          | 3         |
| Ecuador.....         | 2            | .....     | .....      | .....     | .....      | .....     |
| France.....          | 2            | 3         | 1          | 4         | 1          | 4         |
| Great Britain.....   | 2            | 6         | 1          | 4         | 1          | 7         |
| Greece.....          | 2            | .....     | 1          | .....     | 1          | .....     |
| Guatemala.....       | 2            | .....     | .....      | .....     | .....      | .....     |
| Haiti.....           | 1            | .....     | .....      | .....     | .....      | .....     |
| India.....           | 2            | 1         | 1          | .....     | 1          | .....     |
| Italy.....           | 2            | 4         | 1          | .....     | 1          | 2         |
| Japan.....           | 2            | 9         | 1          | 5         | 1          | 7         |
| Netherlands.....     | 2            | .....     | 1          | .....     | 1          | .....     |
| Nicaragua.....       | 1            | .....     | .....      | .....     | .....      | .....     |
| Norway.....          | 2            | 2         | 1          | .....     | 1          | .....     |
| Panama.....          | 1            | .....     | 1          | .....     | .....      | .....     |
| Paraguay.....        | 2            | .....     | .....      | .....     | .....      | .....     |
| Peru.....            | 2            | .....     | 1          | .....     | 1          | .....     |
| Poland.....          | 2            | 4         | 1          | .....     | 2          | .....     |
| Roumania.....        | 2            | .....     | .....      | .....     | .....      | .....     |
| Salvador.....        | 1            | .....     | .....      | .....     | .....      | .....     |
| South Africa.....    | 1            | .....     | 1          | .....     | 1          | .....     |
| Spain.....           | 2            | .....     | 1          | .....     | 1          | .....     |
| Sweden.....          | 2            | 4         | 1          | .....     | 2          | .....     |
| Switzerland.....     | 2            | 1         | 1          | .....     | 2          | .....     |
| Jugo-Slavia.....     | 2            | .....     | 1          | .....     | 2          | .....     |
| Uruguay.....         | 1            | .....     | .....      | .....     | .....      | .....     |

The appointment of German and Austrian delegates has been announced, although the names are not known. It is expected that China will send a delegation. It is not certain that the Australian delegation will arrive in time.

Considering that many reports on nominations are incomplete, as nominations have been delayed beyond all expectation by the difficulties that have arisen concerning the participation of several nations as well as by the fact that the peace treaty has been ratified by only a few nations, the committee finds it impossible to give its opinion concerning such nominations as have been made. It will be enough to state that the nominations have been officially transmitted by the various Governments and also to mention an objection from the French Catholic trade-unions transmitted to the French Ministry of Labor and answered by a letter that has been joined to the present report.

The decision now lies with the committee for the verification of credentials and with the conference.

4. *Documents relating to the admission of Germany, Austria, etc., to the International Labor Organization and the Washington conference.*—On the 15th of May, 1919, the labor committee which was called together as a result of discussions of the Supreme Council on the 30th of April and 10th of May, 1919, in order to examine the note of the German delegation on the peace conditions, was convened by its president, Mr. G. N. Barnes, who communicated to it a question from the secretary general of the Peace Conference relating to the date of admission of Germany into the International Labor Organization.

Mr. G. N. Barnes suggested the following letter as a reply and this was unanimously adopted:

"PARIS, May 15, 1919.

"SIR: The committee of the labor commission has considered the question submitted by you on behalf of the Supreme Council of the Allied and Associated Powers in your letter of the 14th.

"The question is whether Germany should be admitted to early participation in the labor scheme of organization. The committee answer in the affirmative.

"During the sittings of the labor commission several members expressed the view that early admission of the Germans was desirable, so that Germany might be under the same obligation in respect of labor as other advanced industrial countries. We believe that the commission would have expressed itself in that sense, but for the fact that the scheme was framed as part of the League of Nations.

"But if the Germans are to be kept out of the league for any considerable time, the committee think that they should be admitted earlier to the labor organization.

"The committee would not suggest admittance before the Washington conference.

"[Here three reasons were given which it is unnecessary to insert in view of the decisions subsequently given.]"

"We are of opinion, however, that she might be admitted immediately after the Washington conference. The further question arises as to the terms of admission. Unless otherwise provided for she would be entitled as one of the eight chief industrial countries to a place on the governing body. We should give her such place if she came in."

"We are further of opinion that if the Supreme Council indorses the admission as suggested above, the recommendations and conventions adopted by the Washington conference should be sent to the Government of Germany.

"Since this matter may also affect the League of Nations it is suggested it should also be communicated to the Committee on the League of Nations.

"GEORGE N. BARNES, President.

"DUTASTA,  
Secretary-General, Peace Conference."

To this letter Mr. Dutasta, secretary general of the Peace Conference, replied by the following two letters addressed to Mr. G. N. Barnes:

"PARIS, May 19, 1919.

"SIR: The Council of the Principal and Allied and Associated Powers at their sitting of May 17 decided to give effect to the proposal of the labor commission relating to the participation of Germany in the new labor organization.

"I should accordingly be grateful if you would inform the Washington conference that Germany will be admitted after the close of the conference and under the conditions set forth in the letter of May 15 from the labor commission.

"The proceedings of the Washington conference should accordingly be communicated to the German Government.

"Assuring you of my highest consideration, I am,

"DUTASTA."

"PARIS, May 27, 1919.

"SIR: I have had the honor to communicate with you on May 19 with regard to the conditions of the admission of Germany into the future International Labor Organization.

"I now wish to communicate more definitely the decision of the Supreme Allied Council which is in the following terms:

"The Council of the Principal and Allied and Associated Powers has decided to transmit to the Washington conference the letter of May 15 signed by Mr. George N. Barnes, of the British delegation, James T. Shotwell, of the American delegation, Arthur Fontaine, of the French delegation, and G. de Growné, of the Belgium delegation, recommending that Germany should be admitted to participate in the new labor organization immediately after the Washington conference. That letter will be transmitted to the Washington conference with a recommendation from the Council of the Principal Allied and Associated Powers (M. Clemenceau, President Wilson, Lloyd-George, and N. Orlando) that it should be given favorable consideration."

"With assurances of my highest consideration, I am,

"DUTASTA."

It should also be stated that during the sitting of the committee of May 15, Mr. Arthur Fontaine had brought forward the question as to whether it was not necessary, in order to give effect to the proposal which had been made, to modify article 1 of the convention (art. 387 of the peace treaty).

This suggestion was not retained by Mr. Arthur Fontaine, who had been authorized in his capacity as secretary general of the Commission on International Labor Legislation to bring the question before the secretary general of the Peace Conference. This was done in a letter of May 15, 1919.

Neither the Supreme Council nor the drafting committee thought it useful to act on this suggestion. They were of the opinion that their decision would not necessitate any modification of article 387 of the peace treaty. This fact is of special importance as it preceded the signature of the peace treaty.

It should also be pointed out that the decision of the Supreme Council of the 17th of May had been taken and communicated to the Germans before the signature of the peace treaty.

On the 28th of August, 1919, the secretary general of the Peace Conference sent to Mr. Arthur Fontaine the following resolution:

#### "ADMISSION OF AUSTRIAN WORKERS' REPRESENTATIVES TO THE WASHINGTON CONFERENCE.

"AUGUST 28, 1919.

"It has been decided to submit urgently to the labor commission the proposal of the Italian delegation to admit the Austrian workers' representatives to the labor conference which is to meet at Washington during the autumn.

"The labor commission is asked to consider this question and to take into account the consequences which might result as regards the question of the admission of Germany to the same conference in the way already decided.

"The commission accordingly will put forward proposals as regards the admission of both these countries to the conference."

But next day, the 29th of August, the same question was brought up for decision in the Supreme Council without waiting for the reply from the labor commission.

"AUGUST 29, 1919.

"It was decided to adjourn the decision on the question of the admission of the German and Austrian delegates to the International Conference at Washington in order to allow time for Mr. Balfour and Mr. Polk to consult their Governments."

Nevertheless the Commission on International Labor Legislation met on the 6th of September, 1919. Mr. Barnes presided over the meeting which was not complete. The commission decided in favor of the admission of the Germans and the Austrians to the Washington conference, but was not able to arrive at a precise formula as regards the procedure to be followed.

The 11th of September, 1919, the Supreme Council adopted the following resolution, Mr. Balfour and Mr. Polk having communicated to them the opinion of their Governments:

#### "ADMISSION OF GERMAN AND AUSTRIAN DELEGATES AT THE INTERNATIONAL LABOR CONFERENCE AT WASHINGTON.

"SEPTEMBER 11, 1919.

"It was decided that the question of the admission of German and Austrian delegates to the forthcoming labor congress at Washington should be left to the decision of that Congress. In the meantime, the Allied and Associated Governments would put no obstacles in the way of German or Austrian delegates desirous of proceeding to Washington in anticipation of a decision in their favor."

On the 18th of September the Supreme Council added to its decision of the 11th of September the following resolution:

<sup>1</sup> This part of the report was not read by Mr. Fontaine but was circulated at the session among all the delegates.



"The American delegation is requested, in the name of the conference, to communicate to the German and Austrian delegations the decision of September 11 regarding the admission of German and Austrian delegates to the International Labor Congress at Washington."

In consequence of this resolution the American delegation to the Peace Conference addressed on the 13th of September the following communication to the secretary general of the Peace Conference:

"PARIS, September 13, 1919.

"The secretary general of the American delegation presents his compliments to the secretary general of the Peace Conference and, in conformity with the resolution adopted by the Supreme Council on the 8th of September, 1919, in which the American delegates were asked in the name of the conference to communicate to the German and Austrian delegations the decision of September 11 relating to the admission of German and Austrian delegates to the International Labor Conference at Washington, has the honor to inform the secretary general of the Peace Conference that communications relating to the above subject have been sent to-day to the heads of the German and Austrian delegations respectively."

Finally, on the 23d of September, 1919, the Finnish delegation sent the following letter to the president of the Peace Conference:

"PARIS, September 23, 1919.

"SIR: According to the annex to section 1 of part 13 of the Treaty of Versailles, the first meeting of the labor conference will take place in Washington in 1919 and the convening of this first meeting will be undertaken by the Government of the United States of America. The Finnish Republic, although it does not appear among the original members of the League of Nations nor among the States invited to adhere to the covenant of the league, is, nevertheless, anxious to be represented at the first meeting of the labor conference and, through the intermediary of its representatives at Washington, has entered into communication with the Government of the United States with the object of being allowed to participate in this conference and has been informed that its admission would be possible but conditional on the consent of the Peace Conference. As I have been asked by my Government to attempt to secure this consent, I have the honor to ask your excellency to be so good as to let me know if the allied and associated Governments consider favorably the idea of the admission of the representatives of Finland to the approaching labor conference at Washington.

"EUKEN."

On the 2d of October, 1919, the following resolution was adopted by the Supreme Council:

"October 2, 1919.

"Admission of Norway, Finland, and Netherlands to the Washington conference.

"It was decided that the question raised by the note of the secretary general of the International Commission of Labor relating to the admission of Finland, Norway, and Netherlands to the approaching conference at Washington should be left to the decision of this conference.

"It was also decided that the American delegation should notify to the secretary general of the International Labor Commission that no obstacle will be placed by the Allied and Associated Governments to the granting of passports to the Finnish, Norwegian, and Dutch representatives who may desire to proceed to Washington."

Norway and Netherlands appear in this resolution as the result of a request for information which they had addressed to the American delegation, but they appear in the resolution as the result of misapprehension for they are included among the 45 States whose names appear in the list annexed to the covenant of the League of Nations. They are, therefore, in the same position as all the other States in the list and no special question arises in respect of them.

As the result of certain observations made to the secretary general of the Peace Conference by Mr. Arthur Fontaine, it was recognized that the resolution should only refer to Finland and that Norway and Netherlands should be omitted.

Mr. FONTAINE (France)—(after reading the first three parts of his report). Mr. President, there is only one more section to this report, namely, the documents relative to the admission of Germany and Austria and other countries to the International Labor Organization and to the conference at Washington; it is evidently the most important part of the report.

I have here the copy in French of the whole of this part of the report; we have also the copy, in French and English, of the proposed resolution, and we are expecting the English copy at any moment. I wonder if it would not be wise to wait for a few minutes until this can come, for it would be very difficult for our colleagues to follow the reading of this section of the documents without having them before them.

The PRESIDENT. You have heard the report of the organizing committee. It is now before you for such action as you desire to take; but before proceeding to take any action on the part of the conference there are two memoranda that I would ask the Secretary to read, as one of them at least affects the manner of presenting the debate.

Mr. BUTLER (secretary of the committee on organization). The first question which I wish to bring to the attention of the conference is about interpretation. It would greatly facilitate

the proceedings if delegates would divide their speeches into periods as far as possible and allow the interpreter to translate at the end of each period. Unless this is done, interpretations are liable to be inaccurate and give a false impression of the speaker's meaning. In this morning's session the interpreters found that they had difficulty in interpreting correctly some of the speeches that were made, because they were too long, and that they had forgotten the precise wording that had been used at the beginning of the speech by the time that they came to translate it at the end.

The second matter which I wish to mention is in regard to the seating accommodations. For this first day it was necessary to make a rather provisional arrangement. In order to allow all the members of the conference to be present at the opening sitting, all the advisers were allowed to take their places on the floor. Under article 383 of the treaty it is laid down that each delegate may be accompanied by two advisers on each occasion, and that means by two advisers only; and in future it will greatly facilitate the seating of the conference if that rule is observed.

It is therefore suggested that each delegate should designate beforehand the two advisers who are entitled to accompany him to each sitting and to insure that no other adviser accompanies him to that sitting. Advisers who are not entitled to be present on the floor will be able to find seats in the other portion of the room.

This rule will enable the secretary to allot definite seats to the advisers of each delegation in its immediate vicinity, which this morning has not been possible owing to the very large number; and the observance of this rule seems necessary in order that the proceedings of the conference may be conducted without crowding and inconvenience.

I also would like to say that some rearrangement of the seating accommodation will be made as soon as the opportunity permits; that is to say, as soon as we have a day in which to make the necessary changes. And as soon as that rearrangement has been made, I hope that the seating arrangements will be much more convenient in every respect, and that the delegates will be much more comfortable than they have been to-day; but I ask them to look at to-day as an exceptional occasion, and I hope to provide them with better facilities hereafter.

The PRESIDENT. Mr. Marjoribanks, of the British delegation, is recognized.

Mr. MARJORIBANKS (Great Britain). Mr. Chairman, ladies, and gentlemen, I would like to say that we have heard with great interest the statement made by M. Fontaine on behalf of the organizing committee, and I venture to submit a resolution in connection therewith.

That this meeting expresses their thanks to the committee of organization and to M. Arthur Fontaine for the admirable manner in which they have accomplished the preliminary steps in the organization of the International Labor Conference and for the important report just presented, and the delegates request that the report be circulated and that after the provisional adoption of the draft standing orders, the conference be adjourned until to-morrow to enable the report to be circulated.

The PRESIDENT. The delegate from France is recognized.

Mr. GUERIN (France). The proposal of Mr. Majoribanks suggesting that we adjourn this session until to-morrow, in order that we may have a more thorough understanding of the report which has been just read to us, is accepted by my colleague, Mr. Jouhaux, and myself. I do not think that there will be any opposition to this, as we are all interested in doing the best work, and in order to do this best work, it is necessary to know what the question is which is submitted to us.

The PRESIDENT. The delegate from Ecuador is recognized.

Mr. GARCIA (Ecuador). Inasmuch as the report which has just been presented by Mr. Fontaine is exceedingly interesting, I wish to request that a Spanish translation be made also. There are 25 persons here in this conference who belong to Spanish-speaking nations, and speak Spanish. There are 18 nations here represented speaking Spanish, and, for their study and clear understanding of the matter, I suggest that the report be also translated



in Spanish before the meeting adjourns, for the use of all the people who do not understand or who are not well enough acquainted with the English and French language.

Viscount de EZA (Spain). The proposal of the delegate from Ecuador is seconded by the delegation from Spain.

The PRESIDENT. You have heard the proposal as presented by the delegate from Ecuador and seconded by the delegate from Spain, proposing that the report of the committee on organization be translated and printed in Spanish. What is your pleasure?

Mr. Greenwood, one of the assistant secretaries, will make a statement.

Mr. GREENWOOD. In reply to the proposal of the gentleman from Ecuador, I should like to state that we have organized a corps of Spanish translators, who are now at work, and that not only all important documents, but the entire proceedings of this conference will be translated each evening into Spanish, printed during the night, and within two or three days I hope to be able to furnish you complete copies of everything that is said in this hall, in Spanish, each morning at 9 o'clock. [Applause.]

I wish to say, gentlemen, that this is a matter which is entirely apart from the official conduct of this conference and is a matter which is being done outside for the benefit of the Spanish-speaking countries which are represented here.

The PRESIDENT. In view of the statement that has just been made by Mr. Greenwood, may I suggest to the Ecuadorian and Spanish delegations the withdrawal of the pending proposition.

Viscount de EZA (Spain—speaking first in Spanish and then in French). I will now try to repeat in French what I have just been saying in Spanish. French is a language which I admire greatly, but which I do not speak very well.

We do not see any objection to withdrawing the motion so far as it concerns the report of Mr. Fontaine. The representative from Ecuador has asked that the report of Mr. Fontaine be translated into Spanish, but we realize the difficulty this work would entail, inasmuch as the resolution is to be discussed either to-morrow or the day after. But it is quite understood, Mr. Secretary, that this document, as well as others, will be translated into Spanish and that they will be published in the official report. I may say in the name of Spain and also in the name of the 16 or 18 nations of America who are represented here and who speak the Spanish language, that we have presented a motion of a general character. We hope that the resolution will be discussed at the time when the draft standing orders come up for adoption. For that reason I will avoid any discussion at present of our motion. I wish merely to call attention to the fact that the motion which has just been made by the delegation from Ecuador simply anticipates a motion of a more general character, of which I have given notice.

The PRESIDENT. May I call attention to the fact that Mr. Greenwood's statement covered the printing and translation in a general way, as well as the report of the organizing committee, and that while it might be perfectly proper and advisable to discuss this question at a time when the question comes up under the standing orders, that it leads to an embarrassment for the moment, when you are considering a vote of thanks to an organizing committee that has just made its report.

Viscount de EZA (Spain—remarks in Spanish). I do not want to raise any difficulty at present. I renounce the discussion of my proposal, and note with satisfaction the explanation which has been given by the president.

The PRESIDENT. It will therefore be considered that the motion made by the representative from Ecuador, and seconded by the representative from Spain, will be, for the present, at least, withdrawn.

The question now occurs on the motion as presented by Mr. Marjoribanks and seconded by Messrs. Guerin and Jouhaux.

As many as favor the motion will signify the same by raising the right hand. [Show of hands.] Down. Those opposed by the same sign. [Show of hands.] The motion is carried. [Applause.]

Mr. BUTLER (secretary of the organizing committee). May I make one further announcement at the present moment? The fourth part of Monsieur Fontaine's report is being distributed, both in French and in English, and I suggest that the delegates should not leave their places, if they will be so good, until we have completed that distribution.

There is just one other point. The press photographers are very anxious to have a complete photograph of all the delegates to the conference, and they suggest that the delegates should assemble on the steps just outside the building before the meeting to-morrow morning in order to give them an opportunity of obtaining a photograph.

The PRESIDENT. The question is now upon the provisional adoption of the draft standing orders as presented for your consideration by the committee. What is your pleasure?

May I call your attention to the fact that the resolution you have just adopted, presented by Mr. Marjoribanks, provides that after the provisional adoption of the draft standing orders, the conference be adjourned until to-morrow to enable the report to be circulated. Now the question before you is the question of the provisional adoption of the standing orders.

Mr. GUERIN (France). In order that the motion by Mr. Marjoribanks, which we seconded, may be an effective resolution, we ought not to have a meeting to-morrow morning. When we receive Mr. Fontaine's report, it will be past 5 o'clock; we do not intend to work until midnight, consequently we should be given to-morrow forenoon at least so that we may examine Mr. Fontaine's report at some leisure. Will you tell me how we shall have time to do this if we have a meeting again to-morrow morning, just as if no vote had been taken? I understood that the motion of our English colleague would result in our not having a meeting to-morrow. I move, therefore, that it be understood that no official meeting shall take place to-morrow and that we shall have time to study and examine Mr. Fontaine's report at leisure. Our colleagues representing the workmen will study it by themselves and those representing the governments likewise by themselves. It seems to me that this motion is all the more likely to be accepted, as it would give everybody time to study the report. I might even say that we could, if we thought best, very properly adjourn the meeting until Monday, inasmuch as on Saturday we shall have no session, that day being a holiday. That would give us two days which might be well employed. If I thought that the assembly supported me to some extent, I should move to adjourn the meeting until Monday.

Mr. ROWELL (Canada). Is not the question before the Chair the provisional adoption of the standing orders recommended by the committee? I understood that was the question submitted by the Chair. If so, I move the provisional adoption of the standing orders.

Mr. FONTAINE (France). I think that the question brought up by Mr. Guerin will be answered when you decide at what time you will hold your first meeting, which has not yet been really settled. You have to decide the question of postponing the discussion of my report until after the vote on the standing orders, so that I think we can now discuss the provisional adoption of these standing orders; subsequently you will be called upon to say when you wish to hold a session.

We do not ask you to confirm these standing orders, nor to say, as I pointed out just now, that they suit you definitively; you will be called upon later to appoint a committee to examine them, and this committee will make all the modifications considered necessary in these orders; but as I told you a few moments ago, we are a numerous assembly, and the committee in charge of examining the orders will probably take a few days to do this work, for it is a serious question, very diffuse and complex, and it can not be examined in a few hours. Until the committee submits to you final standing orders we must have provisional regulations, so as to conduct discussions among 40 nations or 200 persons. In an assembly of 6, 8, or 10 persons we can do without regulations, and everything will proceed with due cour-



tesy and good feeling. But that is not possible for a large assembly like ours. For that reason the organizing committee requests you not to confirm what it has done, I repeat, but simply to be willing to adopt the draft which has been prepared until such time as you shall adopt a final set of rules which you will put into effect.

Viscount de EZA (Spain—remarks in Spanish). I have certain reservations to make as to the temporary adoption of the standing orders. May I ask whether the present postponement of the final draft of the orders means postponing only for a few days, or whether it means that the standing orders will be definitely adopted only at the end of the present conference, and then the final version will only come into force at the next meeting of the conference. For the Spanish delegates it is of the utmost importance to know whether the Spanish language is going to be permitted at the present conference? There are very many nations speaking that language—many representatives and advisers speaking Spanish. I draw your attention to the fact that the notices put up in this very hall are in three languages—French, English, and Spanish. Out of courtesy for the present assembly and out of sympathy for the French and the English languages, I am willing, in order to avoid all difficulties, to renounce any definite proposal, but I would like to have a definite answer as to whether the gentlemen responsible for the matter think that the standing orders will be adopted only at the end of this conference or whether there is any hope that in a few days Spanish will be admitted as one of the official languages.

The PRESIDENT. Monsieur Fontaine.

Mr. FONTAINE (France). We have not got to decide upon the orders of the day for the conference; our part is finished with my report, which is merely designed to secure the transition from organization to discussion. The rules are to be adopted in two, three, or four days, no more, and in the meantime we are asking you merely for a provisional adoption, not for this session but for the necessary length of time to be ready for this discussion, and I will add that the discussion itself can not be carried on without provisional rules. Consequently it is necessary to adopt them. I will add that the arrangements made by the American Government assure for the time being at least all the necessary facilities for those who speak Spanish; the provisional orders permit each delegate to speak in his own language on condition that he provide a French and English translation of his speech, consequently each Spanish delegate may speak in his own language. And furthermore, we have been assured that the Pan American Union has made the necessary arrangements to insure this translation.

Second point: You ask that the documents shall be distributed in Spanish. According to the plan of the conference it was agreed to distribute them only in French and English, but arrangements have been made by the Pan American Union and by the American Government so that they may likewise be distributed in Spanish, not at the expense of the conference—but that does not matter. Thus by effective outside arrangements you have every facility both for expressing yourselves and securing all the documents in Spanish.

I am going to ask you to be kind enough to postpone the motion for two or three days until the standing orders come up for discussion, and I think Mr. de Eza will agree to this, for it was the very motion he was going to make.

Viscount de EZA (Spain). It is difficult for me to agree with my dear friend and teacher, Mr. Fontaine. I thought that the proposition would be submitted to the committee to be decided upon only at the time of the final discussion of the orders. Everything that Mr. Fontaine has said is true, but with his clear sightedness and keen intellect he ought to understand that there is a third question, which is a question of principle for us, and that is why I must insist on laying stress upon the importance of the use of Spanish. However, I am agreed that the discussion of this question shall be postponed until the next meeting of the committee, when it will be brought up at considerable length.

Mr. JOUHAUX (France). I think that after the explanations which have just been given us from various sides it is understood

that we are going to adopt provisionally the rules laid down by the organizing committee—that is to say, that these rules will be in effect until the committee appointed for that purpose brings before the congress the modifications it considers necessary in the text submitted to it. It is in this sense that the resolution is to be adopted. Consequently there is no confusion and it is only provisionally that we are going to express ourselves upon the adoption of the text of the rules. On the other hand, to give a practical conclusion to the motions for adjournment which were made a little while ago, I think we might decide to have the conference meet at half past 3 to-morrow afternoon to resume its work. This lapse of time seems to me sufficient for the study of the text and likewise for making the necessary translations.

Mr. CARLIER (Belgium). I second Mr. Jouhaux's motion.

The PRESIDENT. As I gather the motion that has just been made, it is that when we adjourn, we adjourn to meet at half past 3 o'clock to-morrow afternoon.

Mgr. NOLENS (Netherlands). Mr. Chairman, I do not wish to oppose this motion—I mean the last one. I would oppose any motion to adjourn the session to a later day. We are now occupied with all sorts of preliminary tasks, and if we give a great deal of time to them—important as they are—I fear that at the end we shall lack the time and also the assistance of those who may have to leave at a certain date, in the discussion of the most important questions, such as, for example, question No. 9, regarding the eight-hour day. It was for that reason that I should have opposed the motion of Mr. Guérin, of the French delegation, who has, however, modified his first proposal. It also seems to me that we might meet at an earlier hour to-morrow. We could study Mr. Fontaine's report by doing a little night work, to which most of us are well accustomed, and thus get a clear and definite understanding of his report. I would like to ask, Mr. President—and it is for this purpose that I asked for the privilege of the floor—that the conference make every effort to reach the important questions as soon as possible, and not take up too much time in discussions as to what languages shall be used, or various questions about standing orders and parliamentary procedure, questions which may equally well be settled any of several ways and which ordinarily are not of great importance. I would suggest that the committee will do its utmost to come as quickly as possible to the vital questions, to those things that are of material and direct importance. If you will put Mr. Jouhaux's motion to the vote, I shall vote for it and not propose the motion which I had in mind—to begin the day to-morrow morning at 9 o'clock.

Mr. ROWELL (Canada). Is the question before the conference the provisional adoption of the standing orders? Is that submitted to the organizing committee?

The PRESIDENT. Yes.

Mr. ROWELL (Canada). Then, I respectfully submit that questions regarding the hour of adjournment are irrelevant to the point under immediate consideration. We should dispose of this motion first.

The PRESIDENT. The parliamentary point made by Mr. Rowell is correct, and the question before the conference is the motion made by Mr. Rowell that the standing orders be provisionally adopted. That is the question before the conference, and the question of adjournment and the time of adjournment can be disposed of after this question has been passed upon. I would ask the conference if they are ready to vote on the question of the provisional adoption of the standing orders with the explanations that have been made between the Spanish delegation and Mr. Fontaine.

As many as favor the motion provisionally to adopt the standing orders will signify the same by raising the right hand. [Show of hands.] Those opposed. [Carried.]

And the question now before you is adjournment, and the time to which you will adjourn. The representative from Serbia.

Mr. GROUITCH (Serbs Croats and Slovenes). I simply desire to state that I have abstained from voting on this motion, as I have never seen the text of the standing orders, but, as the resolution has passed, I have no objection to make.



Mr. DRAPER (Canada). I move you, Mr. President, that this conference do now adjourn to meet to-morrow afternoon at 2.30 o'clock.

The PRESIDENT. It has been moved that the meeting do now adjourn to 2.30 o'clock to-morrow afternoon.

Mr. GUÉRIN (France). Speaking for myself and my colleague, Mr. Jouhaux, we will agree to the motion to adjourn until half past two instead of half past three to-morrow.

Mgr. NOLENS (Netherlands). I also agree.

The PRESIDENT. Are you ready to vote? As many as favor the motion to adjourn until 2.30 to-morrow afternoon will raise their right hands. [Hands raised.] Those opposed. The motion is carried and the conference is adjourned to 2.30 to-morrow afternoon.

[Whereupon, at 5.30 o'clock p. m., an adjournment was taken to Thursday, October 30, 1919, at 2.30 o'clock.]

#### The following delegates were present:

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| Argentina:<br>Dr. Felipe Espl.  | Cuba:<br>Mr. Luis Rosainzy de los Reyes.   |
| Belgium:<br>Mr. Michel Lévie.<br>Mr. Ernest Mahaim.<br>Mr. Jules Carlier.<br>Mr. Corneille Mertens.   | Mr. Carlos Armenteros.<br>Dr. F. Carrera Justiz.   |
| Canada:<br>Mr. F. A. Acland (substitute for Hon. Gideon D. Robertson).<br>Hon. Newton W. Rowell.<br>Mr. S. R. Parsons.<br>Mr. P. M. Draper. | Czecho-Slovakia:<br>Mr. J. Sousek.<br>Mr. C. Spinka.<br>Mr. R. Tayerle.                      |
| Chile:<br>Mr. Felix Nieto del Rio.<br>Mr. G. Munizaga Varela.   | Ecuador:<br>Dr. Don Rafael H. Elizalde.<br>Dr. Don J. Cueva Garcia.                          |
| China:<br>Mr. Yung Kwai.<br>Mr. Lingoh Wang.  | France:<br>Mr. Arthur Fontaine.<br>Mr. Max Lazard.<br>Mr. Louis Guérin.<br>Mr. Léon Jouhaux. |
|   | Great Britain:<br>Mr. J. F. G. Price (substitute for Right Hon. G. N. Barnes).               |

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| Great Britain—Continued.<br>Sir Malcolm Delevingne, K. C. B.<br>Mr. D. S. Marjoribanks.<br>Mr. G. H. Stuart-Bunning.               |  |
| Greece:<br>Mr. John Sofianopoulos.<br>Mr. Angelus Skinzopoulos.<br>Mr. Timoleon Lamprinopoulos.                                    |  |
| Guatemala:<br>Mr. F. Sanchez Latour.<br>Dr. Ramon Bengoechea.<br>Mr. A. Palomo Rodriguez.<br>Mr. Manuel Moreno.                    |  |
| India:<br>Mr. Louis James Kershaw.<br>Mr. Atul Chandra Chatterjee.<br>Mr. Alexander Robertson Murray.<br>Mr. Narayan Malhar Joshi. |  |
| Italy:<br>Baron Mayor des Planches.<br>Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cabrini).<br>Mr. Gino Baldesi.      |  |
| Japan:<br>Dr. M. Oka.<br>Mr. Sanji Muto.<br>Mr. Eikichi Kamada.<br>Mr. U. Masumoto.  |  |
| Netherlands:<br>Mgr. W. H. Nolens.<br>Mr. G. J. Van Thienen.<br>Mr. J. A. E. Verkade.<br>Mr. J. Oudegeest.                         |  |
| Nicaragua:<br>Senor Don Ramon Enriquez.  |  |
| Norway:<br>Judge Johan Castberg.<br>Judge I. M. Lund.<br>Mr. G. Paus.<br>Mr. J. Teigen (substitute for Mr. Ole Lian).              |  |

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|---|--|
| Paraguay:<br>Dr. Manuel Gondra.   |  |
| Peru:<br>Mr. V. Gonzales.<br>Mr. Victor A. Pujazon.<br>Mr. Carlos Prevost.  |  |
| Poland:<br>Mr. Franciszek Sokal.<br>Mr. Jozef Rymer.<br>Mr. Jan Zagleniczny.<br>Mr. Edmund Bernatowicz.           |  |
| Portugal:<br>Mr. José Barbosa.  |  |
| Roumania:<br>Mr. C. Orghidan.<br>Mr. Gregoire Michalesco.   |  |
| Serbs, Croats, and Slovenes:<br>Dr. Slavko Y. Grouitch.   |  |
| Siam:<br>Phya Prabha Karavongse.<br>Phya Chanindr Bhakdi.   |  |
| South Africa:<br>H. Warrington Smyth.   |  |
| Spain:<br>Viscount de Eza.<br>Mr. Adolfo Gonzales Posada.<br>Mr. Alfonso Sala.<br>Mr. Francisco Largo Caballero.  |  |
| Sweden:<br>Judge A. E. M. Sjöborg.<br>Senator R. G. H. von Koch.<br>Senator H. von Sydow.<br>Mr. A. H. Lindqvist. |  |
| Switzerland:<br>Dr. Hans Sulzer.<br>Dr. Hermann Rüfenacht.<br>Mr. Dietrich Schindler.<br>Mr. Conrad Ilg.          |  |
| Uruguay:<br>Mr. Jacobo Varela.  |  |
| Venezuela:<br>Mr. Nicolas Veloz.<br>Dr. Santos A. Dominici.   |  |

### THIRD SESSION—THURSDAY, OCTOBER 30, 1919.

The conference convened at 2.55 o'clock p. m., Hon. W. B. Wilson, Secretary of Labor, presiding.

The PRESIDENT. The question before the conference is the consideration of the report of the organizing committee. What is the pleasure of the conference?

May I ask what action the conference desires to take relative to the report of the committee on organization? The representative from the Italian delegation is recognized.

Mr. GINO BALDESI (Italy—remarks in Italian):

On the report of Mr. Fontaine I have only one remark to make, and that is relative to the point No. 16, marked in this translation of the report, where it says:

It was decided in the treaty with Austria not to refer to the rights and privileges of allied workers on enemy territory, and vice versa, and to submit the proposal of the labor section, June 4, 1919, to the International Labor Conference at Washington.

I believe that I am interpreting the thoughts of many of the delegates here present, and certainly of the labor delegates, when I say that it is desirable to establish the principle of reciprocity in the relations of labor in the several countries. This principle of establishing reciprocity is all the more important when we remember that this is an international labor conference. Unless this principle is established at the start, with the laborers of the different countries adhering to this principle of enjoying reciprocity of rights in the several countries, the delegates from Italy believe that there would be little value in the decisions and work which this conference may perform.

In the labor charter attached to the peace treaty mention is made of reciprocity of rights, but no provision is made for their enforcement. This question of reciprocity of rights was referred to this international conference, and it is the work of this international conference to affirm this principle.

I therefore move an amendment to Mr. Fontaine's report; that is to say, I propose that the motion made on point 16 should be omitted and that instead it should be decided as follows: The conference requests its president to appoint a committee of seven delegates to study and to report back to the conference on the resolution of the Supreme Council of August 29, 1919. I am of the opinion that this fundamental point, which I consider a preliminary question to the further points which will come before the conference, will be received with favor by the delegates here assembled.

The PRESIDENT. The motion made by the delegate from Italy is that the conference invite its president to appoint a commission of seven members for the purpose of studying and reporting on the resolution of the Supreme Council of August 29, 1919. The Chair is clearly of the opinion that this motion would not be in order at this time, as the question before the house is the adoption of the report of the organizing committee. If the organizing committee's report is adopted, then at the proper time this resolution would be in order.

Mr. BALDESI (Italy—remarks in Italian):

Mr. President, I submit that my point is in order, because this meeting is discussing Mr. Fontaine's report, and the motion I am offering is an amendment to point 16 in Mr. Fontaine's report,



in which Mr. Fontaine proposes that that opinion of the Supreme Council of August 29, 1919, be held back for discussion at a future conference. Instead, I offer an amendment asking that it be discussed at the present conference. I therefore think that my point is well taken, because it is in the nature of an amendment to the Fontaine report.

The PRESIDENT. Mr. Fontaine, you are recognized.

Mr. FONTAINE (France). I made no definite proposal in regard to this point in my report. I stated the matter in treating it as I saw it, but my view binds no one. Mr. Baldesi's remarks indicate that he does not agree with me on this point, but the matter is entirely a personal opinion and not a definite proposal. I have no objections to make to the substance of Mr. Baldesi's amendment, but it seems to me that the question is not before us, since I did not propose any definite motion. The first question to come up for discussion is that of the admission of the Germans; later I think Mr. Baldesi will have plenty of opportunity to present his motion, because, though it is contrary to my personal opinion, it is not contrary to any proposal which has been brought before the meeting.

Mr. BALDESI (Italy—remarks in Italian):

May I ask whether Mr. Fontaine's report is up for the approval of this assembly or not. If it is asked that a vote be taken on the approval of that report, then it is clear that the approval of that report implies the approval of the proposal in point 16—that the question he brought up should be referred to a future conference. If the report is not brought up for approval and if a vote is not to be taken on it I withdraw my motion. If that report is to be approved then I consider that my motion is in order.

The PRESIDENT. Mr. Rowell.

Mr. ROWELL (Canada). Mr. President, I submit that a reading of the report fully bears out the statement of the chairman that the adoption of the report will not in any way preclude the full consideration of the question raised by the delegate from Italy. The report reads:

It also appears advisable to consider the following passage contained in a resolution of August 29, 1919—

The PRESIDENT. Mr. Rowell, what page, please?

Mr. ROWELL. On page 14, under item 16. If the members will just look at their printed copies of the report, it reads as follows:

It also appears advisable to consider the following passage contained in a resolution August 29, 1919, of the Supreme Allied Council: It was decided in the treaty with Austria not to refer to the rights and privileges of allied workers on enemy territory, and vice versa, and to submit the proposal of the labor section June 4, 1919, to the International Labor Conference at Washington.

If I understand the report, the object of the report is to bring this matter to the attention of the conference and to suggest that the conference should give it consideration. Therefore, Mr. President, I submit the proper course would be to do just as you have suggested, to proceed with the approval of this report; and then the question raised by the delegate from Italy is a proper matter to be brought before the conference for consideration as the report recommends that it should be brought.

Mr. SOKAL (Poland). Mr. President, ladies and gentlemen, the importance of the remarks made by the delegate from Italy is clearly evident. The Polish delegation heartily seconds the motion of the Italian delegation.

Mgr. NOLENS (Netherlands). I think that one can hardly propose an amendment to a report in which the author of the report merely states his personal opinion. I think that if the Italian delegates wish to bring before us their present motion, they will have opportunity to do so in a different way later; and then we shall be able to comply with article 13 of the draft standing orders of this conference which reads as follows:

All amendments or motions must be handed in to the secretariat of the conference. They will be printed for the sitting on the day following that on which they have been handed in.

I think that if the Italian members were to follow this course they would conform more exactly to the standing orders of our con-

ference. Let them therefore withdraw their motion for the present, and take a later occasion to present it to the conference, so that now we can finish the program laid out for this afternoon.

Mr. JOUHAUX (France). I am entirely in agreement with our colleague of the Italian delegation. But Mr. Fontaine's report merely sets forth the personal opinion of Mr. Fontaine and can not bind the conference. The question therefore remains entirely in the hands of the conference. For the present not even the question of deciding whether the Italian proposal shall be referred to a later session of the International Labor Conference can come before us. This amendment will have to be discussed and decided upon at a later session of the conference.

Mr. GARCIA (Ecuador). I think that after the motion has been seconded, according to article 13, the only thing to do is to let the thing remain until the next meeting. The motion is already before the conference. It has been seconded by somebody else; two parties have seconded it and I do not think it is the time to discuss it, but to refer the matter to the next meeting according to article 13:

All amendments or motions must be handed in to the secretariat of the conference. They will be printed for the sitting on the day following that on which they have been handed in.

Therefore, I don't think we can discuss the motion now. It must be just left for the secretariat of the conference and attended to to-morrow and then we can continue the discussion of the rest of the matter.

The PRESIDENT. The Chair is still of the opinion that, aside from article 13, but also by virtue of article 13, the motion is not in order at this time. The purpose of a parliamentary organization is to secure the orderly consideration of the questions that come before the body. If this motion to amend can be accepted at this time, then, by virtue of the fact that the report deals with the suggestions of the various matters that may come before the body, instead of dealing with them in an orderly manner they would be dealt with by the process of amendments offered to the organizing committee's report. Clearly, that would not be an orderly consideration of the various subject matters the conference is required to pass upon. The organizing committee suggests that the item referred to ought to be considered by this conference. If this report is adopted, then in due time and in accordance with the arrangements that may be made in a parliamentary way, the question would come up for consideration—come up in an orderly manner. I am clearly of the opinion that the amendment is not in order at this time. [Applause.]

Mr. BALDESI (Italy—remarks in Italian):

After the ruling of the Chair and the remarks made by the delegate from France and the delegate from Poland I withdraw my motion, but will present it on a future occasion.

Mr. DRAPER (Canada). Is a motion necessary on an order to adopt the report of the organizing committee?

The PRESIDENT. Such a motion will be in order.

Mr. DRAPER. If so, I move to concur on behalf of the Canadian delegation.

Mr. STUART-BUNNING (Great Britain). Seconded.

The PRESIDENT. It has been moved and seconded that the report of the organizing committee be adopted.

You have heard the motion. There is no further debate. As many as favor the adoption of the report of the organizing committee will raise their right hands. [Show of hands.] Down. Those opposed, raise their right hands. [Show of hands.]

The motion is agreed to and the report of the organizing committee is adopted.

The next order of business on the provisional program is the question of the admission of Austria and Germany to the International Labor Conference. Mr. Fontaine will offer a motion and will be recognized shortly for that purpose. Copies of it are being distributed to you now.

Mr. FONTAINE (France). Gentlemen, my rôle here is to lay the documents before you. Yesterday I stopped the reading of



my report before the point where I should have had to read the decisions of the Supreme Council and all the texts which deal with the admission of the Germans, Austrians, and other nations to the International Conference in the International Labor Organization. I stopped at that point because I believed that the reading of these texts, without your having them before you, was entirely useless, and that it was necessary and indispensable for you to have them to consult and read over at leisure. Now that you have had them in hand and have read them, it still seems to me unnecessary to take up your time by reading them over to you publicly: so I ask you to consider these texts as read, since you have them before you. I merely wish to point out that in the type-written copy which was distributed at the end of yesterday's session, and which I had not read over, there was omitted by mistake of the typist one of the principal texts, the resolution passed September 11, 1919, by the Supreme Council; but fortunately the editor of the minutes supplied this omission, and the text of September 11, 1919, is given in the printed copy which has been distributed to you this morning.

I will take occasion to make a second remark, namely, that when I wrote this report I had all the texts in my possession. I left France on October 11. Now, on October 11 the Supreme Council formally approved a letter drawn up by Mr. Polk, of the American delegation, and directed to Mr. de Lersner, the German plenipotentiary. I could not include this text, because I did not have it at the time; but in any case it contains nothing new to us and merely confirms the others. I received it yesterday, and I will now take the liberty of reading it to you.

The Supreme Council directs me to answer your letter of October 4 in regard to the membership of the labor conference which will shortly meet in Washington at the invitation of the Government of the United States. Owing to the urgency and importance of the questions to be submitted to this conference the Supreme Council believes that the States mentioned in the annex to the covenant of the League of Nations who are either signatories to the treaty of peace, or neutral States, should have the privilege of participating in the first meeting of the conference, from the outset, even though the League of Nations has not yet actually come into being. At the request of the council I am communicating this interpretation to my own Government for its information.

It is clear, therefore, that in this first part of his letter Mr. Polk is only expressing the opinion of the council concerning the 45 powers enumerated in the covenant of the League of Nations, and states that he is communicating this to his own Government. This adds absolutely nothing new.

The second part of the letter, the concluding passage, seems to be of equal importance. Nevertheless, it contains nothing new, and is simply confirmatory:

At the same time the council recommends to the organizing committee of the labor conference, which has the power to act in the premises, that the question of admitting the German and Austrian delegates to full participation in the work of the conference shall be considered by the conference as the first item on its program.

We did not have this letter from Mr. Polk before us when we drew up the program, but we had already interpreted the preceding documents in that sense, and that is why we had proposed the immediate discussion of this question.

The PRESIDENT. May I suggest that it would facilitate an understanding of the discussion if the periods are made shorter and the translation made as we proceed, in shorter periods than we have been in the habit of making them.

Mr. FONTAINE (France). Also on the 13th of October a letter was received regarding Luxemburg, which is to the same effect as the one regarding Finland; that is, the Supreme Council refers to us the question of Luxemburg in the same terms as it referred the question of Finland.

The proposed resolution which has been distributed to you was drawn up by the organizing committee as representing the whole body of the decisions which had been made by the Supreme Council and officially communicated to that committee.

We propose to consider the question of Germany and Austria first, and then we shall take up the question of the other nations.

[Mr. Fontaine reads in French the resolution in question.]

In drafting this resolution the international organization committee believes it has faithfully interpreted the documents which were laid before it.

The CLERK OF THE CONFERENCE. This is the English translation of the draft resolution. You have the paper before you.

#### DRAFT RESOLUTION CONCERNING THE ADMISSION OF GERMANY AND AUSTRIA TO THE INTERNATIONAL LABOR ORGANIZATION.

Whereas, in the course of the negotiations concerning the treaty of peace, the Allied and Associated Powers agreed with Germany and Austria to accept the idea of their early admission to the International Labor Organization and decided to leave the question to the Washington conference for its decision with a recommendation in favor of their admission after the conclusion of the conference, and

Whereas, at a later date the Allied and Associated Powers referred the question of the immediate admission of Germany and Austria to the labor conference at Washington, to the decision of the conference itself:

Therefore, the International Labor Conference, acting in accordance with the decisions of the Allied and Associate Powers,

Resolves, That in anticipation of their admission to the League of Nations and in view of their expressed willingness to cooperate in the work of the labor organization Germany and Austria are hereby admitted to membership in the International Labor Organization with the same rights and obligations possessed by the other members of the labor organization, according to the terms of the treaties of peace signed at Versailles on the 28th day of June, 1919, and at St. Germain on the 10th day of September, 1919.

The PRESIDENT. Mr. Nolens.

Mgr. NOLENS (Netherlands). Mr. President, it seems to me that this is a question which it is better to touch on lightly rather than to emphasize. For my part, I should like to move that the conference accept this resolution on the ground that it is in accordance with the decisions of the Allied and Associated Powers. That is sufficient reason for me to accept it, because I can thereby show my confidence in the decisions of the Allied and Associated Powers. [Applause.]

Mr. GUERIN (France.) Gentlemen, in the name of the French employers' delegation, I have a delicate and rather painful duty to perform, one which is however imperative and necessary, namely, to explain to you simply and frankly our views on this point.

I have not the slightest intention of inflaming the debate. My home in France—permit me this detail—is in the region which the enemy occupied for four years and a half. Thus, I might, without undue stress, depict for you the sufferings which we have endured. I will forbear. Incidentally, I may say that I occupied the unique position of being the director in the invaded Provinces of France of the distribution of the supplies which we owed to American generosity, and I take pleasure at this moment in acknowledging and giving thanks for this generosity once more. [Applause.] In this position I was in constant touch with the German authorities. I even hold the unique position, for a Frenchman, of having been at Berlin five times during the war. I must say that I was always received and treated with the most perfect courtesy. I had difficulties with German general headquarters, because in such cases one always does have difficulties with the military authorities in any country, but the civil authorities in Berlin showed me extreme consideration and in order to be fair I am desirous of recognizing this.

This being granted, I should agree with Dr. Nolens that if the question were presented to us as it has just been stated, then, out of deference to the opinion of the Council of the Allied and Associated Powers, we should only have to give way and adopt the conclusions of the Supreme Council. My colleagues and I left Paris in that confidence, and reached here with the intention of not opposing on principle the admission of the German and Austrian delegates. We do not have to retract this acceptance of fact and principle. We have in fact decided to yield to this decision to admit the Germans. Very well. The first point is now disposed of, and after all that is the most serious one. But just as there are 30 days in a month, so the conference will not end on the day after its opening. Two or three weeks may elapse; we do not know how long it will last. We left Paris after the declaration that the representatives of the enemy powers would not be admitted until the end of the conference. I



ought to say that I took the precaution, so far as it concerned me, of going to see Mr. Léon Bourgeois, who is in our country the accredited representative of the League of Nations, since it was he, I believe, who originally conceived the idea of the league.

So, then, I had taken the precaution before leaving Paris to consult Mr. Léon Bourgeois, who had just reported to the French Senate the conclusions tending to the ratification of the peace treaty. Mr. Léon Bourgeois handed me this official report [indicating report] which is the official document laid before the French Senate. This report was presented on the 3d of October. I emphasize the date because dates have importance here. In it there is this statement, which I request permission to lay before you in detail. The French Senate evidently found itself in the same embarrassment that we might be in ourselves. The Senate said to itself: "Here is a delicate question. Some will be for it, others against it." Perhaps it was definitely foreseen that the question would be brought before the international conference. "Let us take precautions," said these "conscript fathers" to themselves, and the reporter took the precaution to consult the Supreme Council, putting the questions in writing. To these written questions, written reply was made in the same way. I am going to read only a few lines; it will not take long.

Here is the first question: "Did not the Peace Conference decide that at the conclusion"—*at the conclusion*, that is, at the end—"of the conference at Washington, Germany should be admitted, firstly, into the International Labor Bureau, secondly, into the administrative council of that bureau?"

Here is the reply: "The labor committee of the Peace Conference, organized by the decision of \* \* \*"—this is of no interest—\* \* \* "was consulted on the 15th of May by the Supreme Council as to whether it was best to admit Germany at an early date into the International Labor Organization. The labor committee replied that it was of the opinion that Germany should be admitted to the International Labor Organization immediately after the conference at Washington." Very well. The document to which this reply alludes was dated May 15, and you will say to me with good reason, "Why, enough weeks have passed from the 15th of May to to-day to make new documents requisite."

Here, gentlemen, is the status of the question: We left Paris October 18 without the passage which I have laid before you having been in any respect made less valid by any information whatsoever. I saw Mr. Léon Bourgeois the 15th or the 16th I think, and he said to me: "You have the reply to the question in the report which I laid before the Senate on the 3d of October, and nothing has occurred to change it since then." We reached here, some documents were given us yesterday, and I must say that the reading of these supplementary documents—although they were previous to October 3—was of such a nature as to throw our minds into some confusion. However, upon analyzing them closely, as jurists, if you will permit the word, nothing appeared to contradict the statement which is here, inasmuch as in the replies of the Supreme Council it is always a question of the conditions laid down previously as well as of the conditions which have been fixed.

By one of those unfortunate occurrences such as happen only in such cases, a typist's error, to which Mr. Fontaine has just referred, suppressed as if by chance a passage of the greatest importance, inasmuch as this passage set forth that the decision was left for final settlement to the present conference.

I am not willing to believe that the Supreme Council, being embarrassed over the settlement of the question, preferred to throw the burden upon somebody else's shoulders rather than take it upon its own. If you think perhaps that I lack charity, then I will suppress this allusion. However that may be, it was not until this morning—you understand clearly, this morning—when this decision was brought us—you all received it this morning—which gives the details of Mr. Fontaine's report and makes known the whole correspondence exchanged on this point, that I read this line: "It is decided that this question shall be left to the decision of the congress,"

dated the 11th of September—notice the date again, gentlemen, it is important.

How does the question present itself? I find myself in this dilemma: Either, through an omission, through one of those errors which sometimes occur in the administration in our country—I will not make charges against that of other countries—this correspondence was not communicated to the Senate reporter—first supposition—or else these documents were communicated to the Senate reporter, and as he perhaps received them after making the first draft of his report, he may have forgotten to read them and did not take account of them. I do not know upon whose shoulders I must lay the blame, but there is no doubt that a mistake has been made by somebody. Either the documents were not delivered, or else, having been delivered, no attention was paid to them.

For my part, the result is the same—and when I speak of myself I am speaking in the name of the entire employers' delegation—we left Paris with the assurance that on coming here we should find ourselves in the presence of this declaration, that the Germans should be admitted at the end of the congress. In all honesty, rightly or wrongly, that is the declaration upon which we left.

I understand, ladies and gentlemen; do not be disturbed, I shall soon be through.

I was at the point in my argument where I was stating that we all came here to the conference thinking that we were going to find the definite proposal to admit the Germans at the conclusion of our deliberations; and I repeat, it was fully our intention to yield to the proposal in this form.

I might stop my argument here, ladies and gentlemen, and say to you: "Under these circumstances we refuse to yield any further" and add nothing more. But I consider it my duty to be fair enough, and, if one may in case of necessity use the word, to be courageous enough to give you my opinion free from the verbosity and the involutions of parliamentary proceedings and of documents more or less interpolated, confused, and mixed up. I was all the more prepared to accept the text of the conference referred to by Mr. Bourgeois, since I found that it practically corresponded to a necessity whose importance can not be misunderstood by anybody.

In the first place, I state my belief clearly that a state of peace should no longer be a state of war; we must draw a distinction between war and peace. I state, furthermore, that to try to find a solution of this matter by cutting nations of 100,000,000 or more than 100,000,000 men out of industrial life and out of all relations between one people and another is an artless illusion. So I think that it was really necessary to adopt measures which would bring us into relations with the Central Empires, and anyway it affects our interests as well. That is to say, if we adopt measures of a certain nature which result in confining production to certain limits, it would be bad warfare to leave competitors right beside us who would have complete freedom and would not fail to make use of it. Well, all this being said, there remains none the less one fact, namely, that—and if I am not of your opinion, ladies and gentlemen, give me at least the liberty to express myself with my usual frankness—if as a matter of fact and from the point of view of our economic interests this competition were to come upon us, I beg to call your attention to the fact that economic interests are not everything in life; that money does not meet all the aspirations of the human soul; and that it is not manifesting any very combative and chauvinistic spirit to try to establish a line of demarcation between the barbarous peoples from whom we have had to suffer and ourselves; not to accept them at once as if we were all equals and on the same level.

And I will explain myself: Who or what is it that we find ourselves face to face with? We do not even know anything about it as yet. But let us see, ladies and gentlemen. We are on the soil of a Nation which at the present time is in a state of war with the Central Powers. She has not signed the peace; the Peace Treaty is not ratified; it has no executory power, and society is still in a state of uncertainty regarding a lot of details, since fighting is still going on upon certain frontiers. All this allows us certain reservations on



the subject of receiving among us on a footing of equality, to discuss with us, people who are in the situation which has just been described. From whom do they get their powers, and how will they justify their presence? They have nothing of all that.

I do not want to employ any melodramatic phrases, with which it would be very easy to end this argument; but I have just told you that justly, logically, and consistently with national dignity, if you will allow me the word, it would have been wise to establish, without meaning to offend anybody—for I do not believe that we ought to receive the Germans with the imposition of humiliating measures, and that would be receiving them and at the same time repelling them; giving and withholding at the same time do not go, as the French lawyers say—but all the same it would have been well to make this people of the “scrap of paper” understand that treaties do still count for something in the life of peoples and that we must really establish a line of demarcation between those who have violated them, who have violated Belgium, who have stamped this war with characteristics of unprecedented barbarity, and ourselves, who have after all fought only in defense of right and liberty.

Mr. JOUHAUX (France). Ladies and gentlemen, I regret that in the name of the workers' delegates, acting unanimously, I am obliged to present an opinion which is on one point totally opposed to the one which has been given here by our employer colleague, Mr. Guérin.

Mr. Guérin has stated that, having left France with the idea that the German and Austrian delegates should not be admitted to the International Labor Organization until after the conference in Washington, he was greatly surprised to-day to have the question brought up as to whether the German and Austrian delegates should be admitted immediately upon the opening of the conference.

I do not think that any delegate here can suppose for a moment that the idea which I shall now present is in any way opposed, so far as the interests of our country and its national dignity are concerned, to that which has been brought forward by Mr. Guérin. We are just as solicitous as Mr. Guérin for the dignity of our country, but we think that there are questions of fact as well as of dignity, which Mr. Guérin himself should not have overlooked, and that these facts will upon examination lead us to hold at present a different opinion from the one which has been expressed by Mr. Guérin. It is in this spirit and on this foundation of facts and aside from all sentimentality that I wish to examine this question and arrive at some practical conclusion which will express the common thought of us all, including Mr. Guérin himself.

First of all I invite your attention to the fact that it is only necessary to read the texts cited in Mr. Fontaine's report to understand the development of thought upon this question in the Supreme Peace Council itself. I do not wish to base my position upon the statements of French politicians. If there were statements on the floor of the Senate, Mr. Guérin knows as well as I do that there were also statements in the Chamber of Deputies which were much more definite and explicit, and that there were likewise statements in the newspapers which have never been disputed either by any member of the Supreme Peace Council or by the Government itself.

In making this explanation I simply wish to point out to the delegates here present that the question is not the same as it was last May when it was decided to admit German and Austrian delegates to the Washington conference.

I also wish to remind you of the debates held in the very midst of the Paris Peace Conference on international labor legislation, as the question was brought up at the very beginning of the discussions of the international labor convention. This is not the first time that the question has come up before the Supreme Peace Council and the public. It first arose when we were considering plans for an international labor organization, consequently in the very midst of the Peace Conference or at least in an official committee of the Peace Conference. I wish to remind you that there is a proposed program appended to the reports of the Peace Conference which asserts, in spirit if not in so many words (I have not memorized the exact terms), that international labor legislation would be of

no avail unless all the other nations took part in it. This proposed program, Mr. Guérin, was adopted unanimously by the delegates at the official Peace Conference at Paris. It contained the resolution just presented by the organizing committee and states explicitly that while circumstances had prevented Germany and Austria from being present at the beginning of the discussion of the International Labor Organization, it was nevertheless certain that when this International Labor Organization began to consider economic questions proper, it would no longer be possible to debar Germany and Austria.

I therefore remind you that this resolution, or more exactly, this proposed resolution, unanimously adopted at the Paris conference on the motion of Citizen Vandervelde and myself, had already brought up the question of the participation of the German and Austrian delegations in the International Labor Conference. But an unbiased consideration of the question arising at the present time goes farther than that. I have just said that a simple reading of the text of Mr. Fontaine's report would show the evolution of this question. There are, obviously, reasons for this evolution. There have been changes which may not be known by the delegates of other countries, but which the French delegates can not fail to know, as discussions of the subject appeared in all the papers.

I do not want to drag the personality of the president of the French Cabinet into the debate—I could, but I will refrain; but at the same time I wish that Mr. Guérin would consider the fact that the resolutions adopted by the Supreme Peace Council were the result of interpolations which themselves depended on the adoption of the proposed program by the official Paris conference; and that these interpolations tended toward the participation of all nations, excluding none, in the Washington conference, which was to discuss one of the most important points of international labor legislation.

We have been consistent and logical. It may be that at times logic conflicts with sentiment, but is there any reason for abandoning a logical path for a sentimental one? I think not. I believe we should stick to logic, because it agrees with facts, and that if we left a logical course, Mr. Guérin, we should risk getting caught in our own trap and having the outcome react unfavorably against us.

I will cite one example, that of the 8-hour day. We are going to discuss the 8-hour day at the meetings of the conference from an international point of view. Do you think that you will be able to apply this particular legislation to Germany and Austria to-morrow if you have not allowed them to be present at the conference, nor allowed them to take part in discussions of the question? At this very moment, when we are being asked to bar German and Austrian delegations from the Washington conference—i. e., at the discussions of this important question—our newspapers have daily accounts of how laborers in Germany are working 9 and 10 hours. What means can we use to prevent this competition between the two countries unless we force Germany, by participation in the Washington conference, to cease her opposition to the 8-hour day, if she does oppose it?

That is the first point. It is not necessary to search far afield to realize the value of the theory we are supporting. As Mr. Guérin said himself, the war is over, it is peace time—obviously it could not possibly occur to any delegate that conditions imposed here, with certain nations excluded, could be imposed on these nations in the future by force.

Another reason for the stand we are taking is the fact that we, the labor representatives, are firm believers in the idea of a league of nations.

The League of Nations has brought a ray of light to the dark sorrow which has been ours for four and a half years. It has come as a comfort to us, and we have felt—the laborers of France have felt unanimously—that it was our future hope, and that the horrible spectacle which we have witnessed would forever disappear with the institution of the League of Nations. Allow me to repeat what I said at the official Paris conference. At that time in agreement with Mr. Vandervelde, the Belgian representative, we said:

The work in which you have been called to participate is a magnificent work providing that it does not become sterile, providing that it brings positive results to the people who are awaiting anxiously the outcome of your deliberations.



We may repeat the same words to-day, and I think I may state in the name of the labor delegates here present that we expect to emanate from the real league of nations a reign of peace, in which labor can be developed for the best collective interests of all humanity. And it is for that reason, a reason which must be added to all the economic reasons which I do not wish to discuss here unless I am forced into it—I repeat, it is for that supplementary reason which has just been added to the reasons already explained at the beginning of the conference, that it is indispensable for Germany and Austria to take part in what we are doing, as well as for all the other countries which have asked to participate. I consider the question of prime importance, because we can not pretend to exclude any nations from our deliberations to-day and then expect them to apply our decisions to-morrow. That is not only contrary to logic but contrary to the spirit of justice, and I do not think we can adopt under any form a policy we have stigmatized as the scrap-of-paper policy. Partisans of justice we shall remain, and we demand that representatives from all nations shall enter into free discussion with us, make sincere decisions, and then make an application in good faith of the principles adopted. That is why we consider that the proposal made by the organization committee—which is no more than application of the proposed program accepted by the official conference at Paris—should be adopted by the conference, so that on one hand the people shall not be deceived in their hopes of the effective outcome of this conference, and on the other hand that there may be a regular evolution of the International Labor Conference toward the final results expected by the whole world.

Gentlemen, you have only to glance at the situation in every country in order to realize the disheartening and tragic conflicts that are taking place. On the solution of these conflicts depends the stability of the normal evolution of all humanity.

Remember that if your decision appears ineffectual at the present time it will cast the workers—the whole producing world—into despair, and the upshot of that will be that it will be impossible to bring about the situation you wish.

You must consider this condition, because it is of capital importance to all countries. Possibly some countries are not yet affected, but they will be in the near future unless the international conditions established by the present conference fail to fulfill the hopes and aspirations of the laboring world.

Now, Mr. Guérin—and he will forgive me for taking him to task—spoke to us of the situation in America with regard to the nonratification of the Peace Treaty. I do not think this is a question which concerns us—it concerns the American Government alone. The American Government must decide this and not we. I think that at the present time there is not an opposing idea in the official spheres of all the allied or associated Governments to that contained in the resolution proposed by the organization committee.

Consequently, in view of the above-mentioned considerations, in view of the facts to which we have made appeal, and in view of the state of mind observed in the directing spheres of the allied and associated countries, I demand in the name of the French labor delegation and in the name of all the labor delegations, that the conference adopt the resolution proposed by the organization committee. [Applause.]

The PRESIDENT. The representative from Spain is recognized.

Mr. SALA (Spain—remarks in French). I had asked for the floor before Mr. Jouhaux spoke, but after hearing him I have little to say to you. I wish to add only this: According to the words of my colleague, Mr. Guérin, employers' delegate from France, according to the reports and documents which have been submitted to us, according to the words of Mr. Jouhaux, the question before us is not whether representatives from Germany and Austria are to be admitted to the conference, but rather only at what time they shall be admitted to the conference.

We are gathered here to lay the foundations for social and industrial legislation, and it is for that reason, as I understand it, that the

powers have made an agreement that the conference itself shall decide as to the time when Germany and Austria are to be admitted. Now, if we are to make social legislation, it is impossible, as Mr. Jouhaux has said, to leave countries out of this conference which have as much interest as ourselves in the questions which we are to settle.

As an employers' representative from Spain, I express the opinion, the opinion of the employers' representation from Spain, that we should admit them now, concurring in the report which we have before us, in order that the decisions which we shall make here shall bind those countries as they will bind ours.

The PRESIDENT. Baron Mayor des Planches.

Baron Mayor des PLANCHES (Italy). I take the floor to remind you, as was done a few moments ago by the French workers' delegate (Mr. Jouhaux), that in fact the Peace Conference at Paris through the labor commission, announced the principle that the Central Powers, in spite of their evil-doings and their crimes, should be admitted to the International Labor Conference. Mr. Jouhaux recalls the fact that the Belgian and French delegations had offered a motion to this effect. Mr. Jouhaux has forgotten that the Italian delegation was associated on this point with the French and Belgian delegations. I request permission to read the resolution in the English text:

Proposed by the Belgian, French, and Italian delegations: The commission being of opinion that an international accord on labor legislation which will be really effective can not be secured without the cooperation of all the industrial countries \* \* \*

I will omit the remainder of the resolution. It was very clear that "all the industrial countries" included Germany and Austria.

We of the Italian delegation, who have suffered at various times from foreign rule and from wars waged in our own territory, understand perfectly the feeling of indignation which animated some of Mr. Guérin's words; but, as before at Paris, we affirm again here that politics must as far as possible keep out of conferences at which labor questions are being discussed. We believe that our eyes must be turned toward the future rather than be fixed upon the past. We believe that we can not with impunity set aside and put on the shelf a nation of 80,000,000 souls, among whom there are masses of workmen; a nation which has shown what its industrial power was and the labor force at its disposal. That is why, as early as at the Paris conference, we were of the opinion that Germany and Austria ought to enter the labor commission and the labor conference. That being said, we maintain our point of view.

The question which presents itself to-day is this: Are these powers to enter the labor conference immediately or later?

Gentlemen, if we are to admit them, if they are to enter this conference, it is better that they should come in now, better that they should come in now rather than later, better that they should take part from now on in our deliberations. Mr. Jouhaux has pointed out the danger that there was in leaving Germany and Austria outside the scope of the resolutions which we are going to adopt. Who will guarantee us against the danger that after we have adopted the eight-hour day those powers will not adopt it and will thereby be in a position to engage in destructive competition?

If Germany and Austria remain outside of our deliberations, we have everything to fear from them; if they take part in the labor conference, we shall have a control over them, we shall watch them and know what they are doing, we shall have guaranties from them as to their behavior.

For that reason, for the sake of harmony, I move to put an end to these questions which have so stirred us up. I concur in the opinion of Dr. Nolens, which is to adopt the resolution proposed by the organizing committee, and at the same time strike out the words "acting in conformity with the decisions of the Allied and Associated Powers." Therefore, the International Labor Conference votes their admission into the League of Nations, etc. I have finished.

Mgr. NOLENS (Netherlands). Mr. President, in view of the lateness of the hour I should like to apply for the first time article 14 of our standing rules, and I desire to move that the discussion be



closed, adding that for my part I should like to accept the proposition as it was made by the committee.

The PRESIDENT. Do I understand that to be a motion to close the debate?

Mgr. NOLENS (Netherlands). Why, certainly; just as I have said; I so move.

Mr. GARCIA (Ecuador). I think the meaning of this—

The PRESIDENT. No discussion on this question of closing debate. If the conference desires to close debate, it may do so; if it desires that the debate may be continued, it can do so by recording its vote accordingly.

Mr. GUERIN (France). May we speak upon the motion which has just been made? It is never forbidden in any assembly to speak upon a motion which has been made. Of course, if we are to be muzzled here—

The PRESIDENT. The question is not debatable. The question must be put to the house.

Mgr. NOLENS (Netherlands). May I be permitted to be perfectly just toward Mr. Guérin? It says in our regulations that if anyone calls for the floor in order to speak against closing the discussion only one speaker shall be recognized. I support Mr. Guérin.

The PRESIDENT. That is against closure and not on the proposition itself.

Mr. GUERIN (France). You have attacked me twice with your guns, so it is right that you should help me now. The doctor supports me as the rope supports a man being hanged, but anyway, he supports me, and I am very glad.

The PRESIDENT. The question is not debatable. The question must be put to the house.

Mr. GUERIN (France). I beg to observe that I asked for the floor before Mr. Nolens. Out of deference to his station I did not protest when he took it away, but I find myself deprived of a right which I would exercise were I less courteous; besides, I believe that we agree and I am sure that if one of our worker colleagues were deprived of his freedom of debate I would protest with all my strength. We ought not at the very start of this conference to adopt a method of procedure before we commence work in order that—

The PRESIDENT. The representative is not in order. The representative has not the right to talk twice upon the question, under the rules. Unless he desires to be heard against the closure of debate, the Chair will be unable to recognize him.

Mr. GUERIN (France). But I am speaking upon closing the discussion; I have not spoken upon any other subject.

Mgr. NOLENS (Netherlands). You could not speak upon the closing if I had not moved it, if I had not taken the floor; I moved the closing of discussion.

Mr. GUERIN (France). But if I had called for the floor beforehand, supposing I had been recognized, you would have made your motion afterwards.

The PRESIDENT. Without attempting to establish a precedent until the Chair is more familiar with the rules than he is now, the Chair will recognize Mr. Guérin in opposition to the closure.

Mr. GUERIN (France). What I say is that at the very threshold of our labors a question has been raised here which it is to the interest of everybody to settle once for all. It is quite understood that if there were any abuse of speech on the part of the speakers, we would invoke the article to which the doctor has had recourse so as not to weary the meeting and prolong it indefinitely. But, really, has anyone among us as yet abused the privilege of speech? I asked for the floor in order to make three or four remarks in reply to Mr. Jouhaux, which I would have finished long ago had not this article which has to do with the closing of debate been invoked. Consequently you are not saving our time, Doctor, you are making us waste it, if I may be allowed to say so respectfully. Truly, it is a question of courtesy among us. Inasmuch as none of us has abused his privilege, do not let anyone come at the beginning of our deliberations and try

to muzzle us. If we were to have our mouths closed when we want to express a thought which we consider useful, we should leave the meeting, because such action would show a lack of consideration for all those who are here. I offer my excuses for saying this, Doctor. I have infinite respect for your character, but I must tell you that you are too severe. Yesterday, again, you told us that we were wasting our time over unimportant matters. You did not know, on the contrary—permit me to say this respectfully—that what we wanted to discuss was very important.

Mgr. NOLENS (Netherlands). You are not acquainted with article 14 of our standing orders.

Mr. GUERIN (France). Mr. President, if you will kindly make use of your presidential authority—it will not take me three minutes—in order to allow me to answer my colleague, Mr. Jouhaux, it would be much simpler than indefinitely prolonging the discussion over an idle question.

The PRESIDENT. The Chair is unable to grant the request. Article 10 provides, in the thirteenth paragraph, that “no speaker shall address the conference more than once on the same subject during the general discussion.” We are now on the general discussion, and no speaker can be recognized by the Chair more than once in the general discussion.

Mr. GUERIN (France). Well, it is a deplorable article, because everybody knows that when a discussion is being carried on, one is led by the statements which a speaker has made to make some reply to him. Under these conditions, the discussion is singularly shortened or botched, if you will permit me this expression. I shall make up for it to-morrow, while otherwise you would have finished with this at once.

The PRESIDENT. Of course that is a matter that is not within the jurisdiction of the Chair. I am guided by your will, not by mine, as to the formation of your rules.

Mr. GUERIN (France). It is an appearance rather than a reality; considering that we have not finally passed these standing orders, we have not even read them.

The PRESIDENT. May I call attention to the fact that the rules, like the other portions of the standing orders, are but provisional? They have only been adopted provisionally, and if you find that they do not give you ample opportunity you can, when you are considering them for ultimate adoption, make such changes as you will. The question now occurs on the motion to close debate. As many as are in favor of closing debate will raise their right hands and keep them raised until counted by the secretary.

[The secretary counted the votes of those in favor.]

The PRESIDENT. Those who are opposed to closing debate will raise their right hands and keep them raised until counted by the secretary.

[The secretary counted the votes of those opposed.]

Mr. PRESIDENT. The secretary will announce the vote.

Mr. BUTLER (secretary of the organizing committee). There voted in favor of the motion 65; against, 10.

The PRESIDENT. The majority having voted in favor of the motion, the debate is closed.

The motion now recurs on the amendment offered by Baron Mayor des Planches, of the Italian delegation, to strike out from the resolution the words “with the same rights and obligations possessed by the other members of the labor organization.” I have the amendment, and as long as I have it noted here, I will state it again. The amendment of Baron Mayor des Planches is to strike out of the last paragraph of the preamble the words “acting in accordance with the decisions of the Allied and Associated Powers.” Let us get this right before we vote on it. Will one of the translators get the amendment as proposed?

Baron Mayor des PLANCHES (Italy). May I be allowed to explain my thought? My thought was that we should adopt this resolution proposed by the organizing committee with a suggestion



to leave in only the following words: "The International Labor Conference decrees their admission, etc."

Mr. GUERIN (France). I call for the floor to speak on the amendment.

Baron Mayor des PLANCHES (Italy). In the face of a threatened prolongation of the discussion I withdraw my amendment.

Mr. GUERIN (France). That is what is called a mean trick. I call for the floor in order to speak upon the withdrawal of the amendment.

The PRESIDENT. Baron Mayor des Planches withdraws his amendment, and the question now recurs on the motion to adopt the preamble and resolution as presented by Mr. Fontaine, on behalf of the organizing committee.

Mr. GUERIN (France). And I reinstate the amendment withdrawn by Baron Mayor des Planches.

The PRESIDENT. M. Guérin objects to the withdrawal of the amendment, and the vote will occur upon the amendment as submitted by Baron Mayor des Planches. The amendment is to strike out of the last paragraph of the preamble the words "acting in accordance with the decisions of the Allied and Associated Powers."

As many as favor the amendment will raise their right hands and keep them raised until they are counted by the secretary.

[The secretary counted the votes in favor.]

The PRESIDENT. Those opposed will raise their right hands and keep them raised until counted.

[The secretary counted the votes opposed.]

The PRESIDENT. The secretary will announce the vote.

Mr. BUTLER. For the amendment, 4; against, 40.

The PRESIDENT. The amendment is lost. The question now occurs on the motion to adopt the preamble and resolution as presented by Mr. Fontaine on behalf of the organizing committee. As many as favor the adoption of the resolution will hold up their right hands and keep them up until counted by the secretary.

[The secretary counted the votes in favor.]

The PRESIDENT. The delegate from Belgium is recognized to explain his vote.

Mr. CARLIER (Belgium). Gentlemen, I speak in the name of the employers of Belgium, and I ask to explain in a word my views on the motion which has just been put to a vote. We did not wish to vote against it.

Mr. GUERIN (France). But the question of voting has not yet been brought up.

A DELEGATE. Yes, it has.

Mr. GUERIN (France). Why, no, not at all.

Mr. CARLIER (Belgium). We do not wish to vote against it on account of the economic necessities which are imposed upon us, but we can not vote for it because Germany has violated all her engagements toward Belgium and because the Germans, for the four years of their occupation, systematically carried out the complete destruction of our industry. Belgium has received from the entire world too many evidences of sympathy for our attitude not to be understood and perhaps approved of by everybody.

Mr. GUERIN (France). I call for the floor. Are we not voting against it now? I wish to vote against it. The question has not been brought up.

The PRESIDENT. Mr. Mahaim has the floor to explain his vote.

Mr. MAHAİM (Belgium). I am expressing not only my personal opinion, but I am speaking in the name of Minister Michel Lévie, first delegate of the Belgian Government, whose opinion agrees with that of the delegate of the Belgian workmen, Mr. Mertens. We desire to state that we vote for the resolution. It is needless to say that we share the feelings toward the Germans expressed by Mr. Guérin and Mr. Carlier. But, just for the very reasons which lead Mr. Carlier to abstain from voting, we are of the opinion that the economic necessities and the best interests of this conference compel us to admit the Germans.

The PRESIDENT. Those opposed to the resolution will raise their right hands and keep them raised until counted by the secretary.

[The secretary counted the vote of those opposed.]

Mr. BUTLER (secretary of the organizing committee). The result of the vote is, in favor of the resolution, 71; against, 1; 1 abstention.

Mr. GUERIN (France). That's fine, gentlemen; "splendid isolation." [Applause.]

The PRESIDENT. The resolution is carried.

The next order of business on the provisional program is the election of the committee on credentials. The secretary will make an announcement.

Mr. BUTLER (secretary of the organizing committee). I just want to explain that those white passes that have just been distributed to the delegates are necessary to enable them to get into the Navy Building after 5.30 p. m. Any delegate who has not got that piece of white paper with him after that hour, or on Sunday, will not be able to obtain admission.

The PRESIDENT. The representative from Ecuador.

Mr. ELIZALDE (Ecuador—remarks in Spanish). I should like to know whether it is true that Mexico has not been invited.

The PRESIDENT. I think I can inform the representative that Mexico has not been invited; that no nation was invited that was not either named in the annex or signatory to the peace treaty, and, consequently, Mexico, not being in either class, was not included in the invitation.

Mr. ELIZALDE (Ecuador—remarks in Spanish). I should like to say that I intend to move that Mexico be invited to this conference.

Mr. GARCIA (Ecuador). I shall second the motion.

Mr. CASTBERG (Norway). I should like to know if and when Finland is admitted to this conference. I refer to what is said on page 10 in the printed report. It is said there that it should be left to the decision of this conference. I know that delegatos from Finland have come here to Washington.

The PRESIDENT. May I suggest to the representative from Ecuador and the representative from Norway—

Mr. CASTBERG. No; not Norway. Norway is represented here, but from Finland.

The PRESIDENT. No? You are from Finland? I suggest to the representative from Ecuador, who has raised the question with regard to Mexico, and the representative from Norway, who has raised the question with regard to Finland, that if they desire these matters considered either as amendments to proposals pending, or as proposals pending, or as new proposals, that they submit the questions in writing in accordance with the standing orders, and then it will come before the conference in regular order.

With that explanation I will call attention of the conference to the fact that the motion of the representative from Ecuador is not in order.

The rules provide, in article 3, that—

All amendments or motions must be handed in to the secretary at the conference. They will be printed for the sitting on the day following that on which they have been handed in. As a general rule, no amendment or motion shall be discussed or made the subject of a vote in the course of a sitting unless it has been circulated not later than the beginning of that sitting to all members of the conference as provided by article 11 of the present standing order.

Mr. ELIZALDE (Ecuador—remarks in Spanish). In accordance with the rules, I have deposited the motion at the desk.

Mr. ROWELL (Canada). Mr. Chairman.

The PRESIDENT. Mr. Rowell, the Canadian delegate.

Mr. ROWELL (Canada). Mr. President, just on the question raised, as it is one that touches the constitution of this conference, I would respectfully submit that the motion is not in order, even if notice were given in accordance with the rules. This conference is proceeding under the provisions of the treaty between the Allied and Associated Powers and Germany, constituting the League of Nations; and if we are following that procedure we have no right to admit to the conference any who are not authorized to come in under the terms of the Treaty of Peace and the League of Nations. As I understand it, the only basis on which we have dealt with Germany and Austria is that the matter was expressly remitted to us by the Supreme Allied War Council and because there was some understanding at the time the Treaty of Peace was signed with Germany.



The PRESIDENT. May I call Mr. Rowell's attention to the fact that that would be a matter that would properly come up for consideration when the proposed motion is presented. Mr. Fontaine.

Mr. FONTAINE (France). I wish to say that in so far as Finland and Luxemburg are concerned we have been informed by the Supreme Council of the particular situation of these two countries; I have recounted the fact in my report and desire to call attention to it. As it has been laid before this conference by the Supreme Council it is a question for consideration on the agenda, as far as those countries are concerned.

The PRESIDENT. Not at the present time, however. The question before the conference now is that of selecting a credential committee.

Mr. MERTENS (Belgium). I have the pleasure to propose Mr. Oudegeest as the workers' delegate on the committee on verification of credentials. The workers' delegates have decided to propose him.

The PRESIDENT. Mr. Oudegeest is named as one of the members of the credentials committee, nominated by the labor members of the Belgian delegation.

Mr. MAHAIM (Belgium). On behalf of the Government delegates I propose the name of Sir Malcolm Delevingne.

The PRESIDENT. Sir Malcolm Delevingne, of Great Britain, has been proposed on behalf of the Government representatives. Have the employers' representatives a nomination to make?

Mr. GUERIN (France). It is too late now. It is 6 o'clock. Dr. Nolens has moved for a closing of discussion; well, I regret that he is not here.

Mr. MARJORIBANKS (Great Britain). We have a proposal to make. We put forward the name of Mr. Carlier, Belgian delegate for the employers.

The PRESIDENT. You have heard the names that have been proposed as committee on credentials.

As many as favor the selection of these three as a committee on credentials will raise their right hands and keep them raised until counted by the secretary. (Hands raised.) Those opposed. The gentlemen are selected unanimously.

The secretary desires to make a request.

Mr. BUTLER (secretary of the organizing committee). Before the committee on credentials begin their sittings, I should like to announce that credentials have not yet been received from the following countries:

|           |            |           |           |
|-----------|------------|-----------|-----------|
| Bolivia.  | Haiti.     | Paraguay. | Salvador. |
| Colombia. | Nicaragua. | Peru.     | Siam.     |
| Ecuador.  | Panama.    | Roumania. | Spain.    |

In order that the committee may be able to commence its work with all the information before it and to finish it as soon as possible, it would be of great assistance if the credentials of those countries could be handed in to the secretariat.

Mr. GROUITCH (Serbs, Croats, and Slovenes). We have just had a list read of the States whose delegates have not yet submitted their credentials. Amongst those States is also the State of the Serbs, Croats, and Slovenes, but it is not mentioned in that list. That is why I want to say that we have not yet submitted our credentials, for the reason that all the delegates are not here yet. I am the only one present. The others are coming; they are on their way, and I have been informed that they carry the credentials. Therefore I ask that the names of these delegates should be included among those who have not yet presented their credentials, to explain the reason why they have not done so yet.

The PRESIDENT. The secretary will make an announcement.

Mr. BUTLER (secretary of the organizing committee). The secretary of the Government delegates asks me to say that there will be a meeting of the Government delegates in the Columbus room immediately after this meeting.

The PRESIDENT. Your standing orders provide no time of adjournment and no time of meeting. May I ask what the pleasure of the conference is with regard to adjournment and with regard to convening.

Mr. MAHAIM (Belgium). I propose to-morrow at 10 o'clock.

The PRESIDENT. The delegate from Greece has the floor.

Mr. SOFIANOPOULOS (Greece). Only the Greek Government delegates have arrived. The employers' delegate will, I believe, be here to-morrow. The workers' delegate has been designated by the Government, but he has not yet arrived on account of the difficulties of travel. I ask the conference to be so kind as to accept their credentials as soon as they arrive.

The PRESIDENT. That matter, I presume, would be dealt with by the committee on credentials.

Mr. DRAPER (Canada). I move that we now adjourn until 10 o'clock to-morrow morning.

The PRESIDENT. It has been moved that we adjourn until 10 o'clock to-morrow morning.

Mr. MERTENS (Belgium). Seconded.

Mr. GUERIN (France). No, I call for the floor. Gentlemen, we came here to work, that is understood, and I beg you to believe that we have a keen desire, in spite of all the charms of this great and beautiful city, to remain in Washington only as long as is strictly necessary. But neither did we come to make ourselves ill. On the other hand, we came to do good work. Now, if we are to have a session in the morning and one in the afternoon, it will be impossible for us to work between times.

The secretariat was kind enough to tell me on the other hand, and I shall ask Mr. Fontaine, who is listening to me at this moment, to be good enough to second my motion, that their office is simply swamped with work, so closely do the sessions follow one another. We can permit that at the beginning, but we really can not permit it for the continuation of the work. My colleague, Mr. Jouhaux, concurs with me on this point, and the entire French delegation, workers' and employers'.

Mr. FONTAINE (France). And I, too.

Mr. GUERIN (France). Hence I ask you, gentlemen, to accept a proposition which is reasonable. Let us meet afternoons at 2 o'clock, half past 2; in short, appoint any time you please, but let us devote the morning to other things.

Permit me an argument in support of my proposition. What we have come here for is not taking place and will not take place merely in public sessions. When we take up difficult subjects like the eight-hour day, for instance, we shall need to negotiate among ourselves; the employers' delegates will need to have a word with the workers' delegation, and reciprocally. Finally, in other words, there is in work of this kind that which is seen and that which is not seen. We must then make it materially possible to carry on negotiations outside of the public sessions and also to make the necessary study of the documents.

I move then, as strongly as possible, that there be no public sessions in the morning, and that the afternoon alone be devoted to public sessions.

A VOICE. Every day?

Mr. GUERIN. Not even every day; the best thing would be every other day, and we should get on faster in that way.

There is also the question of those colleagues who have not arrived, but who are on the way. And I may say that if the presence of the German and Austrian delegates is so dear to you—and I must think so, since I am alone in objecting to it—you must be consistent to yourselves and give them time to get here.

The PRESIDENT. Mr. Draper, the delegate from Canada.

Mr. DRAPER (Canada). I understand from Mr. Fontaine's secretary that there is considerable work that he must prepare in order to place it before the conference. I also understand from Mr. Jouhaux, one of the labor representatives from France, that they have considerable work to do. In view of that fact, I am quite willing to change my motion; I move that we adjourn to meet at 2.30 to-morrow afternoon.

The PRESIDENT. The motion now before you is that we adjourn till 2.30 to-morrow afternoon. As many as favor adjournment



will raise their right hands. [Hands raised.] Down. Those opposed raise their right hands. Carried.

[Whereupon at 6.20 o'clock p. m. an adjournment was taken to Friday, October 31, 1919, at 2.30 p. m.]

The following delegates were present:

|   |  |
|---|--|
| Argentina:  | Ecuador:   |
| Dr. Felipe Esplá.   | Dr. Don Rafael H. Elizalde.                                  |
| Belgium:  | Dr. Don J. Cueva Garcia.                                     |
| Mr. Michel Lévy.  | France:  |
| Mr. Ernest Mahaim.  | Mr. Arthur Fontaine.   |
| Mr. Jules Carlier.  | Mr. Max Lazard.  |
| Mr. Corneille Mertens.                                      | Mr. Louis Guérin.  |
| Canada:   | Mr. Léon Jouhaux.  |
| Mr. F. A. Acland (substitute for Hon. Gideon D. Robertson). | Great Britain:   |
| Hon. Newton W. Rowell.                                      | Mr. J. F. G. Price (substitute for Right Hon. G. N. Barnes). |
| Mr. S. R. Parsons.  | Sir Malcolm Delevingne.                                      |
| Mr. P. M. Draper.   | Mr. D. S. Marjoribanks.                                      |
| Chile:  | Mr. G. H. Stuart-Bunning.                                    |
| Mr. Felix Nieto del Río.                                    | Greece:  |
| Mr. G. Munizaga Varela.                                     | Mr. John Sofianopoulos.                                      |
| China:  | Mr. Angelus Skinzopoulos.                                    |
| Mr. Yung Kwai.  | Guatemala:   |
| Mr. Lingoh Wang.  | Mr. F. Sanchez Latour.                                       |
| Colombia:   | Dr. Ramon Bengoechea.  |
| Dr. Carlos Adolfo Urueta.                                   | Mr. A. Palomo Rodriguez.                                     |
| Cuba:   | Mr. Manuel Morino.   |
| Mr. Luis Rosainz y de los Reyes.                            | India:   |
| Mr. Carlos Armenteros y Cardenas.                           | Mr. Narayan Malhar Joshi.                                    |
| Dr. F. Carrera Justiz.                                      | Mr. Louis James Kershaw.                                     |
| Czecho-Slovakia:  | Mr. Atul Chandra Chatterjee.                                 |
| Mr. J. Sousek.  | Mr. Alexander Robertson Murray.                              |
| Mr. C. Spinka.  | Italy:   |
| Mr. R. Tayerle.   | Baron Mayor des Planches.                                    |
| Mr. Francis Hodacz.   |  |

Italy—Continued.

Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cabrini).  
Mr. Gino Baldesi.  
Mr. Ferdinando Quartieri.

Japan:

Dr. M. Oka.  
Mr. Sanji Muto.  
Mr. Eikichi Kamada.  
Mr. Uhei Masumoto.

Netherlands:

Mgr. W. H. Nolens.  
Mr. G. J. van Thienen.  
Mr. J. A. E. Verkade.  
Mr. J. Oudegeest.

Nicaragua:

Señor Don Ramon Enriguez.

Norway:

Judge Johan Castberg.  
Judge I. M. Lund.  
Mr. G. Paus.

Mr. J. Teigen (substitute for Mr. Ole Lian).

Paraguay:

Dr. Manuel Gondra.

Persia:

Mirza Abdul Ali Khan.  
Mirza Ali Asghar Khan.

Peru:

Mr. V. Gonzales.  
Mr. Victor A. Pujazon.  
Mr. Carlos Prevost.  
Mr. Eduardo Higginson.

Poland:

Mr. Francesizek Sokal.  
Mr. Jozef Rymer.

Poland—Continued.

Mr. Edmund Bernatowicz.  
Mr. Jan Zaglenczny.

Portugal:

Mr. José Barbosa.

Roumania:

Mr. C. Orghidan.  
Mr. Gregoire Michaelesco.

Salvador:

Don Salvador Sol.

Serbs, Croats, and Slovenes:

Dr. Slavko Y. Grouitch.

Siam:

Phya Chanindr Bhakdi.  
Phya Prabha Karavongse.

South Africa:

Mr. H. Warrington Smyth.

Spain:

Viscount de Eza.  
Mr. Adolfo Gonzales Posada.  
Mr. Alfonso Sala.  
Mr. Francisco Largo Caballero.

Sweden:

Judge A. E. M. Sjoborg.  
Senator R. G. H. von Koch.  
Senator H. von Sydow.  
Mr. H. Lindqvist.

Switzerland:

Dr. Hans Sulzer.  
Dr. Hermann Rufenacht.  
Mr. Dietrich Schindler.  
Mr. Conrad Ilg.

Uruguay:

Dr. Jacobo Varela.

Venezuela:

Mr. Nicolas Veloz.  
Dr. Santo A. Dominieli.

## FOURTH SESSION—FRIDAY, OCTOBER 31, 1919.

The conference convened at 2.35 o'clock p. m., Hon. W. B. Wilson, Secretary of Labor, presiding.

The PRESIDENT. The secretary has some announcements to make.

The CLERK OF THE CONFERENCE. Your attention is drawn to the rules of the Navy Building, which prohibit entry into the building after 5.30 without special card. If you have not yet obtained a special card, you can obtain one from the information bureau on the ground floor of this building.

Mr. BUTLER (secretary of the organizing committee). I have received a letter from the American Federation of Labor, informing me that Mr. Samuel Gompers has been nominated to represent it at the conference.

The PRESIDENT. The standing order for this afternoon is the election of a president, three vice presidents, and a secretary general.

Mr. Fontaine is recognized.

Mr. FONTAINE (France.) As chairman of the organizing committee, I ask for the floor, to nominate as permanent president Mr. W. B. Wilson, who, as our provisional president, has presided with so much fairness, dignity, and brilliancy at our initial sessions [Applause.] Mr. Wilson's past record and his devotion to labor questions are such that we could not possibly choose a better or more worthy president, and I move that he be elected by acclamation. [Applause.]

Mr. STUART-BUNNING (Great Britain). I second the motion of Mr. Fontaine.

Mr. BUTLER (secretary of the organizing committee). May I report that this motion is adopted.

The President of the Conference, Mr. WILSON. Members of the conference, I appreciate very highly the great honor that you have conferred upon the American people by selecting one of its citizens

as the first presiding officer of this conference. I will ask you to bear with me as patiently as you can, under all the circumstances, in my endeavor to guide the deliberations in such a manner that there will be no doubt of the orderly consideration of each question as it arises. I realize that there are variations in parliamentary practice in the various countries of the world; that even if there were no variations there is always the possibility of a single judgment being in error. But if during your deliberations my judgment should err in the decision of the parliamentary questions presented, the correction of that error is always in your hands.

Mankind has had two great economic problems to solve. The first of these problems was the problem of production, the means of producing sufficient by which the material comfort of the people of the world might be secured. The inventive genius of man has solved that question to a very great extent. There is no longer any fear that the people of the world can not produce sufficient to provide for the material comfort of all that may be born into it, provided there is ample opportunity to work under proper safeguards, and that the things that are produced are equitably and justly distributed.

If we can solve the question of giving to all the people an opportunity for employment under proper safeguards, and secure the equitable distribution of that which is produced, we will have achieved the greatest material ideals that have been conceived in the human mind. To the solution of these problems you are bringing your wisdom and your experience, but the problems will not be solved as the result of the brilliant conceptions of any one mind. The problems of production and the other problems that man has solved have been solved by the process of adding one idea to another, building the structure one stone upon another until it is completed. That is the task now before the International Labor Conference—



the task of finding the material and fitting it into its proper place in the structure.

Down through the ages the great masses have lived in the shadows in the valley. Many of them now see the sunlight scintillating on the mountain top, with a narrow pathway winding to the summit. They are eagerly traveling in that narrow path, frequently in such manner as to result in their being crowded off and crushed upon the rocks below. To you is intrusted the responsibility of making the survey and of building the road so broad and so easy of grade that the great masses can move up the granite sides of the mountain into the sunlight that God has created for all his children.

No greater honor can come to any man than to be selected as the presiding officer over a body of men and women having the accomplishment of such ideals in their charge. I thank you on behalf of the American people, on behalf of the American Government, and on my own behalf. I, who happen for the moment to occupy an official position, consequently being selected as the presiding officer on this occasion, thank you from the bottom of my heart. [Applause.]

The conference will proceed to the selection of vice presidents. Baron Mayor des Planches.

Baron Mayor des PLANCHES (Italy). In behalf of the Italian delegation and others agreeing therewith I beg to nominate as vice president for all the Governments represented here the Right Hon. G. N. Barnes, member of the British Parliament and of the war cabinet. All who are acquainted with the life of Mr. Barnes appreciate at their just value the sterling qualities which have lifted him from the labor ranks, to which he belonged until his thirtieth year, to the highest positions in the British Government and during the most critical days of the empire. All who participated in the sessions of the labor commission at the Paris conference have appreciated and testified to his great authority as well as the spirit of fairness and justice with which the Right Hon. Mr. Barnes met every question. I do not believe a more worthy nominee could be proposed to the conference, and therefore, in behalf of the Government representatives, of whom I am spokesman, and especially in behalf of the Italian delegation, I have the honor to place him in nomination as vice president for the Governments at the labor conference.

Allow me to add a word. This motion is made in the name of all the Governments' representatives in this conference of whom I am spokesman and of whom I am the interpreter.

The PRESIDENT. Mr. Mahaim, the delegate from Belgium, is recognized.

Mr. MAHAIM (Belgium). Ladies and gentlemen, I second the motion of Baron Mayor des Planches, and it is peculiarly a pleasure for me in seconding this motion to render in the name of the Belgian Government special homage to Great Britain, to whom Belgium is bound by the imperishable ties of gratitude.

The PRESIDENT. Without objection, the appointment of the Right Hon. Mr. Barnes as vice president will be recorded as unanimous. I hear none, and it is so recorded. [Applause.]

You will pardon the Chair if at times he fails to wait for a translation.

The secretary will announce the nomination of the employers.

Mr. BUTLER (secretary of the organizing committee). I have received a nomination of the employers' group of Mr. Jules Carlier, of Belgium, as their nominee for vice president.

The PRESIDENT. Without objection, Mr. Jules Carlier will be recorded as the unanimous choice of the conference for vice president. [Applause.]

Mr. MERTENS (Belgium). In behalf of the labor delegation I nominate Mr. Jouhaux to the vice presidency of the conference.

The PRESIDENT. Without objection, Mr. Jouhaux will be named as the unanimous choice of the conference for vice president. [Applause.]

I hear no objection in either case, and they will be recorded as the unanimous choice of the conference. [Applause.]

The next standing order is the selection of a secretary general.

Mr. FONTAINE (France). Since April 14, 1919, Mr. Butler, a director at the English Ministry of Labor, has served, first, as secretary of the committee on organization, and later as provisional secretary general to this conference. Mr. Butler has exhibited in his services a devotion for which we are all deeply grateful to him. The difficulties in organizing an entirely new conference such as this were very great. There were no precedents to serve as guides. It had to be worked out in the midst of considerable embarrassment. But everything was ready in time. I move that Mr. Butler be congratulated, and that we show our indebtedness to him by electing him permanent secretary general of this assembly.

Dr. SULZER (Switzerland). Mr. Chairman, ladies, and gentlemen, as a member of the organizing committee, having witnessed the splendid work of Mr. Butler, I cordially second the motion of Mr. Fontaine.

The PRESIDENT. Without objection, Mr. Butler will be recorded as the unanimous choice of the conference for secretary general during this conference. [Applause.]

It is so recorded. [Applause.]

The next standing order is the selection of a commission of selection.

The secretary will announce the nominees.

The SECRETARY GENERAL. The nominees of the Government delegates are as follows:

|  |                                      |
|--|--------------------------------------|
| Sir Malcolm Delevingne, Great Britain. | Dr. di Palma Castiglione, Italy.     |
| Dr. Felipe Espil, Argentina.           | Mr. Adolfo G. Posada, Spain.         |
| Mr. Arthur Fontaine, France.           | Hon. Gideon D. Robertson, Canada.    |
| Mr. E. Mahaim, Belgium.                | Mr. Charles Spinka, Czecho-Slovakia. |
| Mr. S. Neumann, Denmark.               | Dr. Hans Sulzer, Switzerland.        |
| Mr. M. Oka, Japan.                     |                                      |

The twelfth place is left vacant for the German nominee.

The PRESIDENT. The Chair recognizes Baron Mayor des Planches.

Baron Mayor des PLANCHES (Italy). There is one delegate to enter upon the list of members of the committee of selection which has just been read, to take the place of Mr. Charles Spinka, who had been chosen as delegate for Czecho-Slovakia, Poland, and other powers of western Europe. The delegate now chosen is Mr. Sokal. I beg that you will kindly make due note of this and substitute the one name for the other.

At the same time I would like to express the desire that, as is customary, all lists be made up in alphabetical order, either by countries or groups of countries.

The SECRETARY GENERAL. I ought to explain, perhaps, that the order was the alphabetical order of the names of the committee.

The PRESIDENT. As these names are the selection of the Government delegates they become members of the committee of selection without further action on the part of the conference.

The SECRETARY GENERAL. I have received a communication from the employers' group which states that their representatives will be from France, Czecho-Slovakia, Great Britain, Italy, or Switzerland, Japan, Spain. I have not received any further information as to whether the delegate from Italy or the delegate from Switzerland will take his place on the commission.

Mr. JOUHAUX (France—interrupting the interpreter). I ask for the floor. It seems from the explanations furnished by the president that the list of members composing the committee of selection would not be ratified by the vote of the conference, because this list is submitted by the Government delegates. I do not think this distinction between Government delegates and other delegates should be permitted. We are here in the same capacity, as delegates, with the same rights and the same prerogatives. [Applause.]

The PRESIDENT. May I say, for the information of the conference and Mr. Jouhaux, that no distinction was intended to be made by me as between the selection of the Government delegates and the selection of the employers' and the workers' delegates. Under



article 7, found on page 3 of the standing orders, the statement is made:

The members of the commission of selection shall be appointed respectively by the Government delegates, the employers' delegates, and the workers' delegates, not more than one in each class belonging to the same country.

Therefore, the conference does not pass upon the selection of these representatives in either group, and they are simply being read from the secretary's desk for the information of the conference.

The secretary will read the workers' nominees.

The SECRETARY GENERAL. The nominations received from the workers' group of delegates are as follows:

|                                    |                             |
|------------------------------------|-----------------------------|
| Mr. Mertens, Belgium.              | Mr. Oudegeest, Netherlands. |
| Mr. Jouhaux, France.               | Mr. Caballero, Spain.       |
| Mr. Stuart-Bunning, Great Britain. | Mr. Lindqvist, Sweden.      |

The PRESIDENT. The conference will observe that the employers have simply named the countries from which their delegates are to be named, but have not named the delegates. May I ask the employers to furnish for the information of the conference the names of their delegates on the committee at the earliest opportunity?

Mr. CARLIER (Belgium). Mr. President, this is the reason why the name is not given. There is but one employers' delegate from each country, and, therefore, that one employers' delegate would be the candidate.

The SECRETARY GENERAL. In the list which I have received it states that one representative should be from Italy or Switzerland.

Mr. CARLIER (Belgium). The explanation is this: The first person upon the list is the delegate from Italy, but this delegate is not present, and while waiting for him to take his place, the delegate from Switzerland can act for him, with the understanding that he is to withdraw when his colleague from Italy comes.

Baron Mayor des PLANCHES (Italy). I ask for the floor. The Italian industrial delegate is here. Perhaps he is not present in the hall, but he is now in Washington.

The PRESIDENT. As I understand the statement that has been made, the employers' delegate from Italy will act if he is here; that if he is not here the employers' delegate from Switzerland will act. It has been stated by Baron Mayor des Planches that the Italian employers' delegate is here, and consequently he will act.

The SECRETARY GENERAL. The names of the employers' representatives on the commission will accordingly be as follows:

|   |                                     |
|---|-------------------------------------|
| Mr. Francis Hodacz, of Czecho-Slovakia.   | Mr. Ferdinando Quartieri, of Italy. |
| Mr. Louis Guérin, of France.              | Mr. Sanji Muto, of Japan.           |
| Mr. D. S. Marjoribanks, of Great Britain. | Mr. Alfonso Sala, of Spain.         |

The PRESIDENT. Your next standing order is the report of the committee on credentials. Is the committee on credentials prepared to report?

Sir MALCOLM DELEIVINGNE (Great Britain). The committee on credentials has not yet been able to hold a meeting.

The PRESIDENT. We seem to have exhausted the provisional order of business, and the suggestion is made that the committee on selection ought to have an opportunity of considering the arrangement of the work, the committees that are to be selected for the handling of the work, and the personnel of the committees. Adjournment should be taken to some later time to give the committee on selection opportunity to work. What is the pleasure of the conference?

Mr. DRAPER (Canada). I move that we do now adjourn until Monday next—at 10.30 Monday morning.

The PRESIDENT. It has been moved that we do now adjourn until 10.30 Monday morning.

As many as favor the motion will raise their right hands. [Show of hands.]

Down. Those opposed, raise their right hands.

The motion is carried.

The secretary general desires to make an announcement.

The SECRETARY GENERAL. If it is desired that the commission of selection should meet to-morrow, may I suggest that they should remain in this room to settle the time of their meeting.

[Whereupon, at 3.40 o'clock p. m., an adjournment was taken to Monday, November 3, 1919, at 10.30 a. m.]

The following delegates were present:

|  |   |
|--|---|
| Argentina:   | Italy:  |
| Dr. Felipe Espil.  | Baron Mayor des Planches.   |
| Belgium:   | Dr. G. di Palma Castiglioni (substitute for Mr. Angiolo Cabrini). |
| Mr. Michel Lévie.  | Mr. Gino Baldesi.   |
| Mr. Ernest Mahaim.   | Netherlands:  |
| Mr. Jules Carlier.   | Mgr W. H. Nolens.   |
| Mr. Corneille Mertens.                                       | Mr. C. J. van Thienen.  |
| Canada:  | Mr. J. A. E. Verkade.   |
| Mr. F. A. Acland (substitute for Hon. Gideon D. Robertson).  | Mr. J. Oudegeest.   |
| Hon. Newton W. Rowell.                                       | Nicaragua:  |
| Mr. S. R. Parsons.   | Señor Don Ramon Enriquez.   |
| Mr. P. M. Draper.  | Norway:   |
| Chile:   | Judge Johan Castberg.   |
| Mr. Felix Nieto del Rio.                                     | Judge I. M. Lund.   |
| China:   | Mr. G. Paus.  |
| Mr. Lingoh Wang.   | Mr. J. Teigen (substitute for Mr. Ole Lian).                      |
| Mr. Yung Kwai.   | Persia:   |
| Cuba:  | Mirza Abdul Ali Khan.   |
| Mr. Luis Rosainz y de los Reyes.                             | Mirza Ali Asghar Khan.  |
| Mr. Carlos Armenteros y Cardenas.                            | Peru:   |
| Dr. P. Carrera Justiz.                                       | Mr. V. Gonzales.  |
| Czecho-Slovakia:   | Mr. Victor A. Pujazon.  |
| Mr. J. Sousek.   | Mr. Carlos Prevost.   |
| Mr. C. Spinka.   | Poland:   |
| Mr. R. Tayerle.  | Mr. Franciszek Sokal.   |
| Mr. Francis Hodacz.  | Mr. Edmund Bernatowicz.   |
| Ecuador:   | Portugal:   |
| Dr. Don Rafael H. Elizalde.                                  | Mr. José Barbosa.   |
| Dr. Don J. Cueva Garcia.                                     | Roumania:   |
| France:  | Mr. C. Orghidan.  |
| Mr. Arthur Fontaine.   | Mr. Gregoire Michalesco.  |
| Mr. Max Lazard.  | Serbs, Croats, and Slovenes:                                      |
| Mr. Louis Guérin.  | Dr. Velimir Stoykovitch (substitute for Dr. Slavko Y. Grouitch).  |
| Mr. Léon Jouhaux.  | Siam:   |
| Great Britain:   | Phya Chanindr Bhakdi.   |
| Mr. J. F. G. Price (substitute for Right Hon. G. N. Barnes). | Phya Prabha Karavongse  |
| Sir Malcolm Delevingne.                                      | South Africa:   |
| Mr. D. S. Marjoribanks.                                      | Mr. H. Warrington Smyth.  |
| Mr. G. H. Stuart-Bunning.                                    | Spain:  |
| Greece:  | Viscount de Eza.  |
| Mr. John Sofianopoulos.                                      | Mr. Adolfo Gonzales Posada.                                       |
| Mr. Angelus Skinzopoulos.                                    | Mr. Alfonso Sala.   |
| Mr. Eugene Cantacuzène.                                      | Mr. Francisco Largo Caballero.                                    |
| Guatemala:   | Sweden:   |
| Mr. F. Sanchez Latour.                                       | Judge A. E. M. Sjöborg.   |
| Dr. Ramon Bengoechea.  | Senator R. G. Halfred von Koch.                                   |
| Mr. A. Palomo Rodriguez.                                     | Switzerland:  |
| Mr. Manuel Moreno.   | Dr. Hans Sulzer.  |
| India:   | Dr. Hermann Rufenacht.  |
| Mr. Louis James Kershaw.                                     | Mr. Dietrich Schindler.   |
| Mr. Atul C. Chatterjee.                                      | Mr. Conrad Ilg.   |
| Mr. Alexander Robertson Murray.                              | Uruguay:  |
| Mr. Narayan Malhar Joshi.                                    | Dr. Jacobo Varela.  |
|  | Venezuela:  |
|  | Mr. Nicolas Veloz.  |
|  | Dr. Santos A. Dominici.   |



## FIFTH SESSION—MONDAY, NOVEMBER 3, 1919.

The conference convened at 10.40 o'clock a. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. Your secretary will make some announcements.

The SECRETARY GENERAL. I just wish to draw attention to a mistake in the mimeographed list of the committee of selection. Sir Malcolm Delevingne is put down as chairman; it should have been Mr. Fontaine. I should also like to announce that I have now received a large number of additional copies, both in English and French, of the reports upon the eight-hour day and the other questions of the agenda. These copies have been delayed owing to a strike, and I have only received them this morning. If delegates or the secretaries of delegations will kindly inform Capt. Abraham or the information office of the number of copies which they require, I will have them distributed.

The PRESIDENT. The labor representative of the Polish delegation has submitted an explanation of his vote or absence of vote on the admission of the German and Austrian delegates. It will be read for the information of the conference.

The CLERK. This is the declaration of the workmen's delegate in the Polish delegation, explaining why he abstained from voting on the question of the admission of the German delegation to the conference. He says that the age-long oppression by Germany has had a deplorable effect on the organization of the workmen's movement in Poland. The World War has completely ruined the working class. Because the desire for a peace based on justice is felt nowhere more than by themselves the Polish working class is more anxious than any other to settle the national differences by international agreement. Nevertheless, there being the present situation in Polish territory, which is inhabited by the Polish working population and occupied by the German Government, the Polish working class, without any party differences, has protested and still protests against Prussian oppression. In consequence of these considerations, as Polish workingmen's delegate, he was unable to take part in the vote regarding the admission of the Germans to the conference. However, not wishing to give them any excuse for neglecting the resolutions to be adopted by the conference, which might be given were they absent from it, he abstained from voting.

The PRESIDENT. The order of business this morning is the report of the committee of selection. Mr. Fontaine.

Mr. FONTAINE (France). The committee of selection proposes to the conference the appointment of the members of two committees, and offers a resolution suggesting the appointment of a third committee, for which no names will be proposed at to-day's meeting.

The first committee whose appointment has been considered by the committee of selection is a committee on standing orders. The committee of selection has consulted the various groups as to the names to be proposed for this committee, which it proposes to limit to nine members. You have before you the names of the members proposed by the different groups. They are as follows:

|                              |                           |
|------------------------------|---------------------------|
| Mr. Mahaim, Belgium.         | Mr. Kershaw, India.       |
| Mr. Draper, Canada.          | Mr. Verkade, Netherlands. |
| Mr. Tayerle, Czecho-Slovakia | Viscount de Eza, Spain.   |
| Mr. Goineau, France.         | Mr. Ilg, Switzerland.     |
| Mr. Miall, Great Britain.    |                           |

A second resolution concerns the appointment of a committee in charge of the examination of applications for admission. These applications consist at the present moment of those made by Finland and Luxemburg; and the Dominican Republic as well, since the delegate from the Dominican Republic has brought his credentials here. The motion by the delegate from Ecuador to admit Mexico to membership in the conference will likewise be referred to this committee.

For this committee we suggest four names, and in view of the fact that Mr. Gompers can not take his seat at present we suggest provi-

sionally the name of Mr. Joshi (India) for one of the places. They are as follows:

|                        |   |
|------------------------|---|
| Mr. Fraipont, Belgium. | Mr. Joshi (acting as provisional substitute for Mr. Gompers). |
| Mr. Rowell, Canada.    | Mr. Baldesi, Italy.   |
| Mr. Collinet, France.  |   |
| Mr. Fontaine, France.  |   |

Finally, the committee of selection has thought it best to decide immediately upon the appointment of a commission to examine into the questions of unemployment. If you will refer to the agenda which has been prepared by the Peace Conference, you will see that among the questions relating to unemployment there is the question of immigration and emigration; and it is for that reason that the committee on selection, which does not suggest any names this morning for the commission on unemployment, does nevertheless offer a resolution. It would like to have referred to this commission the motion of Mr. Baldesi relating to the situation of workmen in enemy countries and of workmen from enemy countries in those countries which are signers of the peace treaty. This resolution is referred to you by the Supreme Council. Consequently it is in the regular order of business, and the sense of the resolution which is submitted to you by the committee of selection is that the commission on unemployment is expressly called upon to make a report and to frame a motion on the resolution which has been referred to us by the Supreme Council.

The PRESIDENT. The report of the committee of selection is before you, and the question will recur upon the first resolution.

If there is no debate, the question will be put on the adoption of the first resolution as read. As many as favor the adoption of the first resolution as read will signify the same by raising their right hands and keeping them raised until counted by the secretary.

[The secretary then counted the votes of those in favor.]

Down. Those opposed to the resolution will raise their right hands and keep them raised until counted by the secretary. The resolution is agreed to unanimously.

The question now recurs upon the second resolution. If there is no debate the question will be put. As many as favor the adoption of the second resolution as read will raise their right hands and keep them raised until counted by the secretary.

[The secretary then counted the votes of those in favor.]

Down. Those opposed will raise their right hands. The resolution is agreed to unanimously.

The question now recurs upon the third paragraph or proposition of the committee. If there is no debate the question will be put. As many as favor the adoption of the third resolution will signify by raising their right hands and keeping them raised until counted.

[The secretary then counted the votes of those in favor.]

Down. Those opposed will raise their right hands. The resolution is agreed to unanimously.

The delegate from Spain is recognized.

Viscount de EZA (Spain). At the meeting held in private yesterday with a few delegates from other nations, we agreed that we were in complete harmony upon the motion which was laid before us by the committee of selection on the subject of the problems of unemployment. We believe in fact that it is a perfectly acceptable proposition which has been submitted to us by the committee of selection. So it was necessary to accept it in the main. But we think there are so many problems connected with the general problem of unemployment that we believe we are expressing the general opinion of this conference in proposing to you to enlarge somewhat the scope of the motion offered by the committee of selection.

This committee has told us that it was necessary to appoint a commission to study the methods of preventing unemployment and to suggest remedies. We agree perfectly on this point, but in order that the commission may not find itself somewhat embarrassed in



view of the duties intrusted to it by the Peace Conference, we said that the commission should at the same time study the social, legal, and economic questions. We desire that this problem of unemployment should be studied in its various aspects, economic, social, and legal. That is the only way to study it practically. That is our reason for proposing the use of general terms which in no wise endanger the free expression of opinion on anybody's part, and which leave the whole range of the question completely under the jurisdiction of the commission which is to be appointed. I have accepted the honor to be the spokesman for the authors of this resolution, a draft of which was made yesterday evening, in an exclusively confidential and personal way. We propose that the commission to be appointed shall be composed of fifteen members instead of nine. As you understand, this is not an absolutely essential question, only the subject is so important that this commission ought to include a representative from all the countries interested in these problems, and that we ought to be granted a little more time, for instance until next Monday, in order not to hurry the work of the commission.

We want to support the motion of the committee of selection, and only add a few words which merely broaden the thought which, we believe, inspired the appointment of this commission.

The PRESIDENT. Mr. Sokal, of the Polish delegation, is recognized.

Mr. SOKAL (Poland). The motion made by the Spanish delegation is practically the motion which was adopted by the committee of selection.

The PRESIDENT. The Chair did not understand that the delegate from Spain had moved an amendment, but had simply made a suggestion for the consideration of the committee of selection.

Mr. Fontaine is recognized.

Mr. FONTAINE (France). I desire to remind our colleagues that they have already voted on the resolution, and that consequently we have nothing more to add to it. Now, the interpretation of Mr. de Eza conforms to that of the organizing committee, and consequently it is useless, it seems to me, to make an amendment reaffirming it. I merely desire to call Mr. de Eza's attention to the fact that the committee of selection has not yet indicated what is to be the number of members of this commission. That is a question which is still in reserve.

The PRESIDENT. Dr. Nolens, the delegate from the Netherlands, is recognized.

Mgr. NOLENS (Netherlands). It seems to me also that what is proposed by the delegate from Spain is only a fuller statement of what the committee of selection has proposed. It seems to me that it is better to intrust the whole proposition as stated in a few words to the discretion of the commission which will be named.

Mr. GUERIN (France). It has already been voted upon; there is nothing further to be said.

Mgr. NOLENS (Netherlands). Others are talking about it, and I shall also until the president closes the debate.

When I read "Questions relating to the methods of preventing unemployment and remedying its consequences \* \* \*" it is a clear indication of a legal, social, and economic point of view.

In the second place, it seems to me, Mr. President, now that we are talking for the first time of appointing numerous commissions, that it is better not to make them too large in number, because otherwise each commission would finally become a general conference and the work would not proceed so swiftly. Hence I advise the Spanish delegate to withdraw his amendment and suggest that we finish what we have begun.

Mr. GUERIN (France). They will not take into account that the motion has been voted upon.

The PRESIDENT. Viscount de Eza, the delegate of Spain, is recognized by courtesy of the conference.

Viscount de EZA (Spain). I was saying, Mr. Delegate, that I agree fully with Mr. Fontaine. He is right. I am out of order; therefore I can not speak. But my excuse was that I did not believe it was my duty to offer the motion. I thought it had been made and that as it was about to be read I ought to take the floor to support it.

That was the misunderstanding. But it does not matter, since Mr. Fontaine says I must withdraw it; I have only to withdraw the motion. Consequently, when we speak of the idea of preventing unemployment it is understood that we will preserve whatever has a bearing upon the economic and legal aspects of it. I am in perfect sympathy with that, and I am delighted to accede to Mr. Fontaine's wish. Only, as for the question of 15 members and the question of the delay given to the commission, I was speaking by way of explanation, that is all.

The PRESIDENT. Your program for the day has been exhausted. What is the further pleasure of the conference? Mr. Fontaine, delegate from France.

Mr. FONTAINE (France). I move to fix the next meeting for to-morrow, Tuesday, at half past 2. From conversations which I had yesterday with a great many employers and workmen, I believe that if we fix to-morrow's session for half past 2, our colleagues, the employers and workmen, will then be in a position to take up the discussion of the question of the 8-hour day, the outcome of which discussion will be a decision as to whether or not a commission shall be appointed, and in a general way how the continuation of the discussion is to be carried on.

The PRESIDENT. Baron Mayor des Planches is recognized.

Baron Mayor des PLANCHES (Italy). Mr. President and gentlemen, all those who are at all accustomed to conferences know as well as I that at the beginning matters move somewhat slowly and that the work accumulates at the end. I agree perfectly with Mr. Fontaine that the next meeting should be at half past 2 to-morrow. I can not, however, refrain from reminding you that we have just had two whole days' vacation. I will not say that they were days of idleness, since talks and meetings certainly took place; but after all, for two days there has been no session of the conference, and to-day's meeting was very short. Now I happened to converse yesterday with several of our colleagues, who made the same remark that I am now making. They wondered, as I myself wonder, whether it is not well to request the conference to be kind enough to hasten its labors as far as possible on these first few days, in order that we may not come to the end of the month without having completed our task. So far as the Italian delegation is concerned, it is important to all its members that they return to Europe at the beginning of December, if not at the end of November. For these reasons, I take the liberty of requesting that, without taking double mouthfuls, which would be likely to choke us, we try if possible to get on a little faster with our work.

The PRESIDENT. The question is on the motion made by Mr. Fontaine that we adjourn until 2.30 to-morrow afternoon. Before voting on that question, there are some announcements to be made.

The CLERK. I have to announce on behalf of Baron Mayor des Planches that there will be a meeting of Government delegates this afternoon at 5 o'clock in room 1022 in the Navy Building.

The PRESIDENT. You are now asked to vote on the adjournment until half past 2 to-morrow. As many as favor adjournment until half past 2 to-morrow afternoon will raise their right hands and keep them raised until counted.

[The secretary counted the votes of those in favor.]

Down. Those opposed will raise their right hands. Agreed to unanimously. The conference is adjourned until 2.30 to-morrow afternoon.

[Whereupon, at 11.30 o'clock a. m., an adjournment was taken to Tuesday, November 4, 1919, at 2.30 p. m.]

#### The following delegates were present:

|                        |                                  |
|------------------------|----------------------------------|
| Argentina:             | Canada:                          |
| Dr. Felipe Espil.      | Mr. F. A. Acland (substitute for |
| Belgium:               | Hon. Gideon D. Robertson).       |
| Mr. Ernest Mahaim.     | Hon. Newton W. Rowell.           |
| Mr. Jules Carlier.     | Mr. S. R. Parsons.               |
| Mr. Corneille Mertens. | Mr. P. M. Draper.                |



|  |   |   |  |
|--|---|---|--|
| China:<br>Mr. Lingob Wang.   | Greece:<br>Mr. John Sofianopoulos.<br>Mr. Angelus Skinzopoulos.<br>Mr. Eugene Cantacuzène.  | Nicaragua:<br>Señor Don Ramon Enriquez.   | Roumania:<br>Mr. C. Orghidan.<br>Mr. Gregoire Michaelesco.   |
| Colombia:<br>Dr. Carlos Adolfo Urueta.   |   | Norway:<br>Judge Johan Castberg.<br>Judge I. M. Lund.<br>Mr. G. Paus.<br>Mr. J. Teigen (substitute for Mr. Ole Lian). | Salvador:<br>Don Salvador Sol.<br>Serbs, Croats, and Slovenes:<br>Dr. Velimir Stoykovitch (substitute for Dr. Slavko Y. Grouiteb). |
| Cuba:<br>Mr. Carlos Armentero y Cardenas<br>Mr. Francisco Carrera Justiz<br>Mr. Luis Rosain y de los Reyes   | Guatemala:<br>Mr. Francisco Sanchez Latour.<br>Dr. Ramon Bengoechea.<br>Mr. Alfredo Palomo Rodriguez.<br>Mr. Manuel Moreno.                       | Panama:<br>Mr. Andres Mojica.<br>Mr. Jorge Luis Paredes.<br>Mr. Federico Calvo.<br>Mr. Jose Antonio Zubieta.          | Siam:<br>Phya Prabha Karavongse.<br>Phya Chanindr Bbakdi.  |
| Czecho-Slovakia:<br>Mr. Charles Spinka.<br>Mr. F. Hodaez.<br>Mr. R. Tayerlic.  | Haiti:<br>Mr. Ch. Moravia.  | Paraguay:<br>Dr. Manuel Gondra.   | South Africa:<br>Mr. H. Warington Smyth.   |
| Denmark:<br>Mr. S. Neumann.<br>Mr. C. V. Bramsnaes.<br>Mr. H. Vestesen.<br>Mr. C. F. Madsen.   | India:<br>Mr. Atul Chandra Chatterjee.<br>Mr. Alexander Robertson Murray.<br>Mr. Narayan Malhar Joshi.  | Persia:<br>Mirza Abdul Ali Khan.<br>Mirza Ali Asgbar Khan.  | Spain:<br>Viscount de Eza.<br>Mr. Adolfo Gonzalez Posada.<br>Mr. Alfonso Sala.<br>Mr. Francisco Largo Caballero.                   |
| Ecuador:<br>Dr. Don Rafael H. Elizalde.  | Italy:<br>Baron Mayor des Planches.<br>Dr. G. Di Palma Castiglione (substitute for Mr. Angiolo Cabrini).<br>Comm. E. Baroni.<br>Mr. Gino Baldesi. | Peru:<br>Mr. Carlos Prevost.<br>Mr. Eduardo Higginson.<br>Mr. Vicente Gonzalez.<br>Mr. Victor A. Pujazon.             | Sweden:<br>Senator R. G. Halfred von Kocb.<br>Senator Hjalmar von Sydow.<br>Mr. A. Herman Lindqvist.                               |
| France:<br>Mr. Arthur Fontaine.<br>Mr. Max Lazard.<br>Mr. Louis Guérin.<br>Mr. Léon Jouhaux.   | Japan:<br>Mr. Eikichi Kamada.<br>Dr. Minoru Oka.<br>Mr. Sanji Muto.<br>Mr. Uhei Masumoto.   | Poland:<br>Mr. Franciszek Sokal.<br>Mr. Jozef Rymer.<br>Mr. Jan Zaglenczny.<br>Mr. Edmund Bernatowicz.                | Switzerland:<br>Dr. Hans Sulzer.<br>Dr. Hermann Rufenacht.<br>Mr. Dietrich Schindler.<br>Mr. Conrad Ilg.                           |
| Great Britain:<br>Right Hon. G. N. Barnes.<br>Sir Malcolm Delevingne.<br>Mr. A. J. C. Ross (substitute for Mr. D. S. Marjoribanks).<br>Mr. G. H. Stuart-Bunning. | Netherlands:<br>Mgr. W. H. Nolens.<br>Mr. G. J. van Thienen.<br>Mr. J. A. E. Verkade.<br>Mr. J. Oudegeest.  | Portugal:<br>Mr. José Barbosa.  | Uruguay:<br>Dr. Jacobo Varela.<br>Venezuela:<br>Mr. Nicolas Veloz.   |

## SIXTH SESSION—TUESDAY, NOVEMBER 4, 1919.

The conference convened at 2.35 p. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. Your secretary will read some correspondence and make some announcements.

The SECRETARY GENERAL. I have received the following letter from the secretary of the International Congress of Working Women:

SIR: I have the honor to transmit to you herewith a copy of the resolution passed by the International Congress of Working Women, calling for an international 8-hour day and 44-hour week, with certain other special provisions.

In behalf of the International Congress of Working Women it is my privilege to ask you to lay before the International Labor Conference of the League of Nations for their consideration and, we hope, favorable action, this expression of the views of the delegated representatives of the working women of 13 of the nations signatory to the League of Nations covenant.

The following is the resolution:

The first International Congress of Working Women requests the first International Congress of Labor of the League of Nations that an international convention establish:

- (1) For all workers a maximum 8-hour day and 44-hour week.
- (2) That the weekly rest period shall have an uninterrupted duration of at least one day and a half.
- (3) That in continuous industries a minimum rest period of one-half hour shall be accorded in each 8-hour shift.

I have received the following telegram dated November 3. This is a translation.

To the Labor Conference, Washington:

The German workers, through their labor organization, welcome the decision of the International Labor Conference at Washington, whereby representatives of Germany are admitted to the conference with equal rights and obligations. The speedy departure of our representatives is unfortunately delayed by reason of difficulty in obtaining passages. If these difficulties can be overcome, the German representatives will be glad to cooperate in the important work of the conference in the interests of the workers of all countries.

That telegram is signed by the General Federation of German Trades-Unions, the Federation of Christian Trades-Unions of Germany, and the Federation of German Trades-Unions.

The CLERK. I have to announce that Mr. Sjöborg, Swedish Government delegate, is unable by reason of illness to attend and will be represented by Dr. Gunnar Huss, chief of the Swedish Labor Bureau.

I also have to announce that Mr. Stuart-Bunning is unable to attend and is represented by Mr. Tom Shaw.

The PRESIDENT. The committee of selection expects shortly to be able to report several resolutions dealing with the appointment of committees for various purposes. They have not yet quite determined the personnel of those committees, and consequently will not be ready to report for a short time. Without objection, therefore, the conference will proceed to the general discussion of the first item of the agenda, the eight-hour day. I shall ask if you desire the report of the organizing committee read on that question? Mr. Barnes, British delegate.

Mr. BARNES (Great Britain). Mr. President, ladies and gentlemen, we have now reached an item which the organizing committee, in their report, have described as the most important item of our program, and I think that that description of the organizing committee is perfectly right. In some respects, at all events, the eight-hour day has figured more and lingered longer in the minds of the workers of the world than any other industrial topic; and while there has been a great deal of agitation in its favor on the part of the workers, and, I am glad to add, a great deal of experimentation with its working on the part of some employers, there has also been a changed attitude on the part of the public generally with regard to it, thus corresponding to the changed attitude in regard to labor questions generally. Labor, Mr. Chairman, is ceasing to be regarded as a commodity and is being thought of more and more in terms of sentient human beings. Therefore a good deal has already been done in the way of shortening hours of labor. In some of the more advanced countries represented at this conference the eight-hour day is already an accomplished fact. The principle has been generally conceded that labor is entitled to leisure, that the workers are entitled to live their lives outside of the workshop, are entitled outside of working hours to time for recreation, for education, and for the discharge of social and family duties.

What we have to do at this conference is to exchange and regularize the application of the principle, with due regard always to the difference in climatic conditions of the various countries and also with due regard to the limitations imposed upon us by the terms of the document under which we are meeting.



We can not do less at this conference than adopt a convention, first, for a shorter working day. To do less than that would be to break faith with labor. Workers throughout the war kept to their work, in the hope and belief that shorter working hours would be made general after the war. They were promised that a shorter working day would be brought in after the war, and the Governments are now expected to fulfill the bond. Speaking on behalf of the British Government, I can say that there is every desire to fulfill all its obligations. An eight-hours-a-day bill has as a matter of fact been already prepared. That bill in its terms is a good deal different from the bill which has been prepared for our consideration. It will possibly be the duty of my colleague or myself, when we come to a consideration of the different clauses, to propose certain amendments to the bill which has been prepared for us, but the British Government intend to carry out that bill and thereby carry out their promises.

But now, having said so much of what is due to labor, let me by way of another word of preface just say something of what in my opinion is due from labor. There is, in my opinion, due from labor whole-hearted cooperation in the largest possible production of goods. We have just gone through five years of destruction. The accumulated wealth of generations has been blown from the cannon's mouth, and what the world needs now above everything else for reconstruction is the most ample production of goods so as to make good the waste of war.

But I submit, fellow delegates, that the way to get that is not by long hours of labor; still less is it by denunciatory speeches on the part of some, no matter how highly placed they may be, against this or that class or against this or that theory. The way to get it, and the only way to get it, is by a better organization of industry, by humanizing the conditions of labor. I believe by carrying out those two principles we can get labor to put its back into its work while it is at it. I hope it will; I believe it will; and I believe further that labor, as well as other classes in the community, would benefit thereby. [Applause.]

And, Mr. Chairman, when the proposition is thus stated—and I hope I have fairly stated it—there are several general considerations which leap to the mind and which I should like to submit to the conference before coming to an examination of the actual draft convention. The first is this: That it is not a mere basic 8-hour law or 8-hour rule with additional pay for additional hours of work that we are after. That would not give us what we want. What we want is leisure, and we must therefore keep that in mind all the time. We are after leisure rather than pay. Moreover, even if we arranged for additional pay to be made to the workers for additional time (inasmuch as wages, after all, tend to certain levels, determined by many things apart from the hours of labor), the additional pay would tend to disappear from the very moment it began to be paid. Therefore what I want to impress upon the conference in the first place is that we are now discussing how to get more leisure for workers and not how to get more pay for them.

In the second place, we must frame our convention or recommendation so as to make it elastic enough to meet the needs of those men, and at the same time rigid enough to get something like uniformity in its application. Fire, flood, acts of God of any kind—all these have to be specifically provided for. There are other things on the margin not so clear or obvious which must be left to the discretion of some authority. But there again I want to point out that there is some little danger, inasmuch as authorities differ in efficiency. They will be lax here and rigid there, and therefore, uniformity, or anything like uniformity, in a convention is absolutely impossible unless—even if you leave discretion to authorities—that discretion is in turn somehow or other safeguarded and limited. And in the third place I should adopt the principle of a 48-hour week instead of an 8-hour day. That is to say, I should adopt the principle of averages. It is true that an 8-hour day, if spread evenly over a week, makes a 48-hour week. But there is no reason why it should be spread evenly over every day in the week if industries can be better served otherwise. For instance, there is laundry work, which as I know and all of you know has its busy spell in

certain days of the week, and I should provide for it accordingly. Again, there are some countries in which Saturday afternoon work is unknown. I should make provision for that by a longer working day in the days preceding Saturday; and therefore I put the proposition to you in the form of a 48-hour week instead of an 8-hour day. I am inclined to think if that be adopted, we shall, to some extent, avoid or prevent troubles arising from overtime. [Applause.]

In the next place, we can not expect at present, at all events, to get an 8-hour day for all countries alike. I submit it would be unfair—it is impossible, in the first place—but even if it were possible, it would be unfair in its operation. In the highly developed countries, such as Great Britain, or America, or France, an 8-hour day, I suppose, is as productive as a 9-hour day or possibly a 10-hour day in other countries of more primitive methods or possibly where there is a more trying climate. To bring India or Japan into competition with Europe or America on the same level of hours would be simply to destroy their mass of industry, and to try would be to court failure. We must remember that the conference is pledged to have regard to differences in climatic or other conditions, and even if we were inclined to disregard that injunction, the countries in question would be absolved from any moral obligation to put into effect our convention. We must remember that we are not infallible, and therefore we must somehow or another frame our convention to get compliance by good will instead of by compulsion.

Just a word now in regard to my last consideration of a limited character. I believe that for this conference at any rate our convention should be one bearing upon industries only, as distinct from agriculture. Agriculture is practically excluded from our consideration. We have no information about it upon which to frame a convention. Moreover it is different from ordinary industries. It is carried on in many countries by small proprietors under a variety of conditions. It is conditioned by seasons and by requirements of family and animal life; the conditions under which it is carried on are in short such that we are not in a position at this conference to analyze it. My advice, for what it is worth, is let it alone. Let us be warned by the trouble that we find in certain countries about amendments and reservations to the peace treaty, and let us so frame our convention—limited, if you like, in character, but so simple as to have it applied after we go away from here in the various countries without needless talk about amendments and reservations.

Now, Mr. Chairman, having ventured to submit these few general observations, let me proceed to say something about the convention which has been prepared for us by the organizing committee.

First, as to its scope: It applies to all who are engaged in industry or industrial undertakings, excepting those who are in families or in confidential positions as distinct from manual workers. That is to say, it excludes the son in a small family business that may be struggling up into existence, and it also excludes the clerk or manager or superintendent or person of confidential character in a factory, which is defined here as "an industrial undertaking."

The definition of industrial undertaking given in the convention is, I think, fairly wide, and it includes pretty well everything of which the organizing committee had knowledge; but we do not want to confuse ourselves by discussing whether it is sufficiently wide or not. You will find that it includes a great many things which are scheduled under schedule A. The convention does not extend hours of labor in any industry which at present works less than 48 hours a week, so that miners and quarrymen and others who are at present enjoying a working week even shorter than 48 hours will be in no way prejudiced by the convention, if adopted.

Clause 2 states that in all industrial undertakings with the exceptions above mentioned the normal working week shall not exceed 48 hours, and that in cases of shift industry—I am not now speaking of continuous shift industry, but in certain shift industries, as distinct from continuous shift industries—the hours shall not exceed an average of 48 hours per week in any one month.

Well, now we come to clause 3, which contains provision for additional time being worked in the event of fire or flood or breakdown of



plant, or anything which in its happening may prevent other people from working. Provision, of course, is made in such cases—overtime may be worked; and although it is not specifically stated in the convention, yet I take it it is meant in those cases that overtime rates for the additional time worked will be paid.

Then, clause 4 makes provision for the continuous-shift industries that I mentioned a minute or two ago; that is to say, those industries such as gas or electric current supply, or anything which is connected with the running of services for the community, which must work night and day throughout the week, Saturday and Sunday alike; and provision is made in those cases that the working week shall not exceed 56 hours; that is to say, 8 hours for each shift, whether by day or by night.

Again, those industries are scheduled and will be taken up for consideration when we come to discuss whether or not that schedule is sufficiently included, or, on the other hand, sufficiently excluded. This clause 5 provides for a statutory working week for those workers, or those who wait—and waiting, of course, is tantamount to work. Clause 5 provides for those whose work is ancillary to the main body of workers in any particular industry; that is to say, the watchman, or the timekeeper, or the service man, the man who has to get to work before the others and remain a little while after the others. And provision is made that the week of those people shall not exceed 60 hours. And here let me say that 56 hours, in regard to the continuous-shift industry and the 60 hours in regard to the service men are, in each case, the normal working week without overtime, and therefore, the pay, of course, will be adjusted accordingly.

And now I come to the question of overtime which is dealt with in clause 6. But before dealing with it, may I make just a general observation of a personal character in regard to overtime? I believe that the need for it has been much exaggerated. We have now a good deal of experience in Great Britain through factory acts extending over more than a century. I think our first factory act was passed in the year 1802, and we have had many factory acts since that time, especially in the textile trade. And so far as I know—my colleague, Mr. Shaw, here, may know better than me about the textile industry, because he is in it—but so far as I know there has never been an hour's overtime work in the whole century in the cotton trade. Parenthetically let me say I hope I shall not be regarded as being in any way pharisaical in suggesting that our practice in Great Britain is better than the practice elsewhere. I know there are many good men and good women struggling to improve themselves everywhere and there are good things done everywhere. I am now simply stating what I know to be a fact that in our country, at all events, the need for overtime has not been proved to be a necessity in the textile trade. And in these days of standardization I believe that the need for overtime ought to be getting less and less instead of more.

That, however, let me say again, is only my personal opinion. There are those, I know, who regard this convention that has been framed for us as not sufficiently elastic and who feel that it must be improved by making provisions for a larger amount of overtime, or by provision for larger discretion being left to the national body. Those views must somehow or other be brought together, and that is a matter for friendly discussion afterwards. But now just let me return to the convention. Clause 6 provides that in certain industries which are set out in the schedule—schedule 6—you will find it in the blue book—in those articles set out in schedule 6—and the schedule seems to leave it fairly comprehensive and complete—overtime may be worked to the extent of 150 hours per year. Then you will find that the subsection B of clause 6 provides that any other industry may be worked—that is to say, industries not in the schedule—overtime may be worked to the extent of 150 hours for the first five years, and then 100 hours per year after that, subject, of course, in both cases to the provision that at least 25 per cent over and above the ordinary rates for day work shall be paid for that overtime.

If reference is made to subsection C of clause 8 it will be found that the employer who introduces overtime will be under obligation to keep a record in a form prescribed by the national law; that is to say,

of all additional hours worked, in accordance with clause 6 or in accordance with subsection C, which has reference to fire, flood, or breakdown.

Clause 7 provides that any other industry not in the schedule may be so placed in the schedule on the application of any country. That is to say, that any industry not found in either one of schedules A, B, or C can, on application of such country, be placed in either one or the other. Well, I believe that clause 7 is altogether an addenda, because, as I just said, subsection B of clause 6 provides that any industry, apart from those in the schedule, can work at least 150 hours for the next five years and 100 hours thereafter. Therefore, if we succeed in filling up the schedule at this conference, it seems to me that clause 7 might be left out of the convention altogether. There seems no reason for it, inasmuch as clause 6 provides for overtime being worked in any industry, whether that industry is in the schedule or is to be put in.

Finally, in clause 8, the next provision, will be found reference to notification in the works, or other suitable place, of the time at which employment begins and ends, or of the time at which any particular shift begins or ends, and the National Government will have a right to say how that shall be done.

Now we come, Mr. Chairman, to the countries for which special provision has to be made; that is to say, the countries which are to some extent abnormal. No provision has been made for them in the convention, although if you will read the convention you will find it implied that such special provision must be made; in fact, we are bound to make it. Article 405 of the peace treaty lays it down expressly that we must make it.

The organizing committee, in framing the convention, had no information from those countries upon which to frame any special features of the convention for your consideration; but I suggest now that we should set up a special commission or a special committee which should have as its duty the consideration of the special circumstances of the eastern countries, and that that special commission should subsequently report its findings to the main body of the conference.

Provision is made for the convention being brought into force in July, 1921. That, of course, is in accordance with the terms of the peace treaty; and therefore I now propose the convention as a basis of discussion, with the proviso that we remit to a special committee the special treatment of the countries of special climatic conditions or backward conditions of industry. It may be necessary—I think it will be necessary—to set up other committees; that is to say, I think this conference is too large to deal with the detailed questions about overtime. Probably, therefore, we shall be compelled to set up other committees in the course of our discussion; but I move that we now set up this one, because we have the duty imposed upon us by the treaty to do so.

I find that a resolution has been drafted for me in accordance with what I have said, and it is as follows:

That the draft convention of the 48 hours' week prepared by the organizing committee be adopted by the conference as the basis for discussion, but that the question of its application to the tropical and other countries referred to in the third paragraph of article 405 of the treaty be referred in the first instance for consideration by a special committee which shall report to the conference.

I move that.

And now, just one final word. My labor folks—and I regard myself, too, as being a labor man, although I happen, by the accident of time, to be a Government representative—my labor colleagues and comrades will think I have been somewhat moderate and modest in my proposals and my suggestions throughout my speech. If so, I would say to them that this conference is not the last conference. It is the first one. I would say to them that what we can not do this year we may do next year or the year after. This conference is only the beginning of a series of conferences which will take place year by year. This conference is going to set up a permanent organization, an international labor office, which shall have as its duty the mobilization and making effective of humane public opinion throughout the world. I therefore attach importance and regard as supreme that



at this conference we should come forward with some proposals which afterwards shall be adopted by the different countries represented here; that is to say, I attach more importance to practical results than to the propagation of any theory.

Ladies and gentlemen, to my mind we are taking part here in a movement which is destined to have far-reaching effects after we have gone from here. We are taking part in a movement which may have the effect of setting up different and, I hope, better relations, not only industrially but humanly. Too long, I believe, classes in all the countries have been inclined to fight and bruise one another, and after every fight to bind up their wounds and prepare for another fight, with the inevitable result, of course, of accentuating class bitterness, of destroying wealth, upon which the welfare of all of us depends, and of inflicting untold suffering on women and children, who have little or no part in the causing or the conducting of the fight. I believe the best men and women of all countries are sick of it and are looking forward to the organization of some new and better means not only of adjusting practical difficulties, but of raising life and labor from the low plane of animal and physical struggle onto the higher ground of reason and justice and common sense. That is the sort of movement that we are here inaugurating. If we succeed—and we must succeed—then I believe we shall lay the foundation for a better and brighter world for those who follow us than that we have ourselves experienced. [Applause.]

The PRESIDENT. It is moved by the Right Hon. Mr. Barnes that the draft convention on the 48-hour week prepared by the organizing committee be adopted by the conference as the basis for discussion, but that the question of its application to the tropical and other countries referred to in the third paragraph of article 405 of the treaty be referred in the first instance for consideration by a special committee which shall report to the conference. The question is now on the adoption of this motion.

Baron Mayor des PLANCHES (Italy). The Italian delegation, which has listened with respectful attention to the eloquent speech made by Mr. Barnes, has the honor to support his motion. The Italian delegation takes this occasion, however, to beg that from now on consideration will be given the fact that although the 8-hour day has been under discussion and investigation at the present conference it has not been applied with reference to the agricultural classes; it is hoped that due consideration will be given by the organizing committee of the next conference. The Italian delegate has been inspired by the enormous contributions toward our success in the war made by the Italian agricultural classes, who deserve the consideration of the Italian Government. Aside from this one reservation we wholeheartedly support Mr. Barnes's motion. [Applause.]

The PRESIDENT. The question is on the motion.

Mr. DRAPER (Canada). I desire to be informed on this point before I cast my vote either for or against the motion. It is this: If this motion should be adopted by this conference, will it bind the delegates to the conference to the 48-hour week proposal, or is it just a basis for discussion? I see that the tropical countries are excepted. In order that I may be quite clear before I vote, I would like to know, when this vote is taken, if amendments may be submitted from time to time providing for an 8-hour day or a 44-hour week?

The PRESIDENT. I would ask the mover of the motion to state whether or not the Chair is in error in his interpretation of the resolution when he states that the motion made by Mr. Barnes brings the whole question of the 48-hour week as prepared by the organizing committee before the conference for consideration and makes that report the basis of consideration. It does not tie the conference down to the acceptance of any of its provisions, as stated. The conference would be in a position, if in its judgment it so desired; to change the terms of any of the provisions. The specific thing that is provided for in the resolution is that the matter, as it applies to tropical and other countries referred to in the third paragraph of article 405 of the treaty, is to be referred to a special committee for

consideration. I would ask the mover of the motion if I have interpreted his intention.

Mr. BARNES (Great Britain). I understand, Mr. Chairman, that you have addressed a question to me—I am sorry I was absent for the moment—as to whether or not the suggestion should be accepted that an amendment should be proposed of an 8-hour day instead of a 48-hour week.

The PRESIDENT. No. May I try to make myself clear by using other language?

As I interpret your motion it takes the language that has been prepared by the organizing committee and submitted in its draft of a convention to limit the hours of work in industrial undertakings to 48 hours in the week as the basis for the consideration of that subject matter by this conference. In other words, instead of the conference sending it to some other smaller body, to put it in draft language, you accept the draft language that has been prepared by the organizing committee; your motion brings that draft language before the conference as the basis for consideration, and as that draft language is considered section by section and item by item the conference may in its own wisdom amend it if it so desires. The other specific thing that is in your motion is that the matter as it applies to the oriental and other countries mentioned in article 405 is referred to a special committee. Have I interpreted your motion correctly?

Mr. BARNES (Great Britain). I do not know that there is much left for me to say, Mr. Chairman. I think you have put the proposal fairly well, so far as I understand it. The treaty laid it down that we were to have either an 8-hour day or a 48-hour week. The organizing committee put this forward as the basis of discussion on a 48-hour week. I take it that it would be open to amendment only in so far as amendments were compatible with the principle of the 48-hour week. That is my reasoning.

The PRESIDENT. Mr. Draper.

Mr. DRAPER (Canada). The explanation given by the Right Hon. Mr. Barnes is not exactly in accord with the explanation given by you, as president of this conference, if I interpret your language aright. Now, according to the explanation given by the Right Hon. Mr. Barnes, after this motion has been adopted we shall not be able to submit amendments to this conference; we shall be committed to the 48-hour week—not, according to my understanding of it, to the 8-hour day.

The country from which I come, Canada, has in many of the industries an 8-hour day and a 44-hour week, and I desire to be quite clear on the proposition before voting for this motion. I maintain that if this motion is passed now it is simply giving what we would call a second reading to a bill in the House of Commons, and that therefore any discussion that is to take place on this proposition should take place now before it goes to the committee, and as the representative of the working people of Canada I am not in favor of the proposition as submitted by the Right Hon. Mr. Barnes. I believe that if we are nailed down to the proposition that we can only have a 48-hour week or an 8-hour day, that it opens the door for allowing certain industries to work 9, 10, 11, or 12 hours a day, it makes no difference as long as the 48 hours per week has been worked. I don't think that that is a good proposition, and of course I would like to hear some further explanation on the matter before I cast my vote.

Mr. GUERIN (France). Gentlemen, I have not the least intention in the world of going too deeply into the matter at the present time. Until we met here this afternoon we were ignorant of the motion made by the Right Hon. Mr. Barnes. We did not know yesterday that this motion was on the order of business. It seems contradictory to article 13. We came without knowing that we would have to discuss the above-mentioned motion. I therefore appeal to Mr. Barnes's fairness and courtesy, and request that discussion of the motion be postponed until a later meeting.

And do you not think, ladies and gentlemen, that it would be more practical to refer this motion to a special committee which can discuss it at leisure, and which can also consider other motions of a



similar nature, such as the particular one that has been proposed by the employers? In that way, through discussion and exchange of opinions, a balance can probably be struck between these two—or if there were another, three—motions of like nature. Then after a satisfactory text has been agreed on, it can be placed before the general meeting for consideration, thus enabling us to discuss the motion to full advantage in open meeting. I do not believe, ladies and gentlemen, that I am saying anything to which exception can be taken when I say that an extended debate among so many people would be apt to cause confusion. I therefore believe that it would be the better part of wisdom to proceed in the manner just outlined in order to achieve a mature and thorough consideration of the proposed motion and any others which may arise. If my observations ought to be made in the form of a motion, will you kindly allow me time in which to draft it? I shall draft it immediately. I move that a committee be nominated for consideration of the proposal made by the Hon. Mr. Barnes and for other proposals of a similar nature.

Mr. MARJORIBANKS (Great Britain). With regard to M. Guerin's statement I must say I fully sympathize with him as to the necessity for time to enable us to consider the statement that Mr. Barnes has put before us, explaining his views and his lofty ideals in connection with the 48-hour week. I think really that the best thing at the present time would be for us to adjourn this meeting until such time as we have Mr. Barnes' proposals before us in writing. I venture to submit the following resolution: That this conference do now adjourn until—I do not know when the proposals will be before us, but we shall require 24 hours to consider them—until the important statement of the Right Hon. G. N. Barnes shall have been printed and circulated and the delegates have had at least 24 hours to consider the same.

Mr. GUERIN (France). I second the motion.

Mr. MARJORIBANKS (Great Britain). May I make the time more definite and suggest 10 o'clock on Thursday morning?

Mr. ROWELL (Canada). I would venture to suggest to Mr. Marjoribanks that he should modify his resolution. I would suggest that Mr. Marjoribanks modify his resolution by simply moving the adjournment of the debate. That will permit of the matter coming up in regular course at the next sitting of the conference. As I understand it, the committee of selection has a report to make and certain committees to be named. I submit, Mr. President, it is of the utmost importance that this conference should get on with its work and that the committees which the committee of selection has already been authorized to name should be named, so that they might be meeting and undertaking their work. Therefore, Mr. Majoribanks can accomplish all he desires by simply moving the adjournment of the debate.

Mr. GUERIN (France). Adjourn until when?

Mr. ROWELL (continuing). Then we proceed with the rest of the business for this afternoon which was on the agenda for to-day's sitting.

Mr. BALDESI, Italy (remarks in Italian). I am opposed to the proposed adjournment, because I can see no need of adjourning this discussion. Every time that some divergence of opinion occurs in this meeting, some one immediately jumps up and proposes an adjournment. The question of an 8-hour day can not be a new matter to anybody here. It has been 54 years since the question of an 8-hour day was first under discussion.

Mr. GUERIN (France). He knows nothing about those 54 years. I ask the floor.

Mr. BALDESI (Italy), continuing: We ought to give to the world an example that when a business or professional conference assembles it proceeds more rapidly with its work than a political conference. What need is there for an adjournment on the motion proposed by the Right Hon. Mr. Barnes?

Mr. GUERIN (France). We are going to tell him.

Mr. BALDESI (Italy) continuing: All that motion contains is that the proposal of the organizing committee be the basis for a debate.

The only question that has arisen is that raised by the workmen's delegate from Canada, who raised the question whether it should be an 8-hour day instead of a 48-hour week. Now, this meeting is perfectly prepared to discuss that question right away, whether

it be a 48-hour week or an 8-hour day which is to be decided as the basis of which this conference approves.

I therefore move that the motion of Mr. Barnes be immediately put to the vote and that after its acceptance this assembly pass to the debate on the question of applying the 8-hour day or the 48-hour week. I remind this assembly that, after all, it is an accomplished fact; in almost all the industrial countries the 8-hour day or 48-hour week is an accomplished fact; and it would be strange, indeed, if this meeting were to be here to discuss and waste time in discussing what is already an accomplished fact in most countries. [Applause.]

Mr. NOLENS (Netherlands). Mr. President, it seems to me essential for the conference to agree on the exact meaning of Mr. Barnes' motion. Unless I am mistaken, as it stands, there are two explanations.

The first explanation is that Mr. Barnes' motion is a basis for discussion—I have accepted it in such a light—and that amendments will be in order, among others substitution of the 8-hour day for the 48-hour week. Perhaps the conference is not aware that the former system obtains under our laws. The second explanation is that of the Canadian labor representative, unless I am mistaken, who is afraid that if Mr. Barnes' motion were adopted it would result in 12 and possibly 15 hour days, even with a 48-hour or a 54-hour week.

We may stand for the latter system, and in that case it seems to me that it is possible to propose an amendment carrying this interpretation of Mr. Barnes' motion. There is no reason for delaying the discussion if this is the construction to be put upon the motion. But it is impossible to put the motion to the vote now if it is to be construed as an immediate decision that the 8-hour day is not to be discussed and that the 48-hour system is to be adopted. It is a proper point for discussion, a point which for the moment needs to be discussed. If this is the case it seems to me that the only thing to do is to continue the discussion and that the first part of Mr. Barnes' motion can not be put to a vote until after the matter has been debated. That is so clear that I can not understand how there can be any doubt about it. If this last interpretation is the one held by the Chair, then there is no question of putting the first part of Mr. Barnes' motion to the vote, for the time being, but of discussing the matter. We are now in the midst of the discussion of this point. I want to say this: If the Right Hon. Mr. Barnes, who made this motion, believes that the latter construction should be put upon his motion, i. e., that the conference is to decide immediately on the 48-hour system, then the debate should be continued, and the matter not yet put to a vote. If his idea is simply to establish a basis for discussion, however, then the motion can be voted upon at once, inasmuch as the main point of the motion (exclusive of the first part, it goes without saying) is simply the appointment of a special committee to fill the gaps in the resolution.

Mr. President, it seems to me imperative for a definite interpretation to be put on this motion.

The PRESIDENT. The delegate from Ecuador has the floor.

Mr. GARCIA (Ecuador). A point of order, Mr. Chairman. We are breaking our own rules and regulations. Article 14 of our rules and regulations reads as follows:

A delegate may at any time move the closure of the discussion whether other delegates have signified their wish to speak or not. If application is made for permission to speak against the closure, it may only be accorded to a single speaker. The president shall take the sense of the conference on the motion, which shall be decided by a show of hands. If a majority of the delegates present vote in favor of the closure, the president shall pronounce the closure of the sitting accordingly.

Mr. GUERIN (France). No one has asked for the floor.

Mr. GARCIA (Ecuador). I am not opposed to the motion of Mr. Baldesi, but the fact is that Mr. Marjoribanks, with the support of Mr. Guerin, has proposed the closure upon this matter for to-day, and according to the regulations of our own committees—of our own conference—we have first to vote on that motion, but without hearing anybody else. If the conference does not vote on the motion, we shall continue the discussion. If the conference accepts the motion, there is no more discussion for to-day. It is a question of order and of obeying our own rules.



The PRESIDENT. The point of order is not well taken, if the Chair understands correctly the motions that have been made. There is a motion pending to adjourn to a given date. A motion to adjourn would not be debatable. That would act as a closure. But a motion to adjourn to a given time is debatable and does not act as a closure. The motion made by Mr. Baldesi was that we proceed to vote upon the motion of the Right Hon. Mr. Barnes, which was not at that time before the house, the question before the house at that time being the motion of Mr. Marjoribanks to adjourn to a given time. So, as the Chair understands the situation, the point of order is not well taken.

Mr. Varela from Uruguay is recognized.

Mr. VARELA (Uruguay). I only want to say that I think Mr. Barnes' motion is as plain as day; it is not a question of interpretation, but a question of reading. When a motion states that the draft of the commission serves as a basis for discussion it is quite clearly not a resolution. It is a matter of following parliamentary procedure.

A draft regulation is made by the Government, by commissions, but the assembly has the right to make amendments, and to alter the motions made by the commissions from beginning to end. I believe this to be the case with the draft proposed by the committee of selection recommended by Mr. Barnes as a basis for discussion. I might add that I think the Italian delegate quite right in requesting an immediate discussion, because everybody must have definite views on the question of the 48-hour week and the 8-hour day. We would save time and finish our work sooner if the conference did not tolerate delays such as these.

The PRESIDENT. The Chair recognizes Mr. Tom Shaw, of the British delegation.

Mr. SHAW (Great Britain). It seems to me, Mr. Chairman, that Mr. Barnes' statement was perfectly clear and precise and that his motion means that all the clauses in the convention will be open to amendment, but that no amendment, under his motion, will in any way interfere with 48 hours being the hours worked during the week, whether by day or by week. Whether it be called the 8-hour day, or whatever it may be called, his proposal means the acceptance in principle of 48 hours per week.

That forms, certainly, a problem for many of the labor delegates in the meeting. It is evidently the desire of some employers that they may be able to consider certain points before the discussion proceeds. It is, in my opinion, no use to try to go on with the discussion at this moment. It would be equivalent to forcing down the throats of either of the parties ideas which they have not properly considered. But at the same time is there any reason why the conference should adjourn for a complete break until Thursday morning, when it is possible for both employers and employees and the Government representatives to meet to-morrow and come to a clear decision in the morning as to what they desire and to meet here after lunch with their program properly marked out and their ideas in order? I suggest that while it is not necessary to force anything against any section, sections ought to be reasonable in the time that they require, and I move this discussion be now adjourned and resumed at 2.30 to-morrow afternoon. [Applause.]

The PRESIDENT. Mr. Jouhaux.

Mr. JOUHAUX (France). There is evidently considerable confusion in our minds at the present time, simply because Mr. Barnes wished us to discuss the substance of his motion and not the form.

If it had occurred to Mr. Barnes that the adoption of his motion would involve exclusive consideration of the 48-hour week, obviously the majority of labor delegates in this assembly could not accept this interpretation of a decrease in working hours. With us the 48-hour week arose from application of the 8-hour day system. We must therefore know at this time whether we are discussing substance or form.

I therefore move, in support of Mr. Shaw, that the discussion be adjourned for the present, to enable the employers and labor delegations to come to an agreement on this question at their respective meetings. For it seems that certain delegations agree with Mr. Barnes' motion while other labor delegations favor the eight-hour day theory.

The PRESIDENT. Mr. Parsons of the Canadian delegation.

Mr. PARSONS (Canada). Mr. Chairman, it appears to me that the motion made by the Right Hon. Mr. Barnes has in the second part of it that which we should consider first of all. It refers, you will remember, to the question of the application to the tropical and other countries referred to in the third paragraph of article 405 of the treaty. He referred, in the first instance, to a special committee to report. Now, it appears to me that we ought to have the report of this committee before the conference in order that we may intelligently discuss the whole question of the eight-hour day. I therefore, Mr. Chairman, have either an amendment or a substitute motion—I am not sure which—to propose, and it is as follows: That the question of the application of the eight-hour day to the tropical and other countries referred to in the third paragraph of article 405 of the treaty be referred, in the first instance, for consideration to a special committee, which shall report to the conference. Upon the receipt of the report of said committee we shall proceed to discuss the entire question of the eight-hour day.

The PRESIDENT. That motion will not at this time be in order. May I call the attention of the conference to the fact that the motion to defer debate is not itself debatable, and the question now recurs to the motion to defer debate on the question before the house to 2.30 to-morrow afternoon.

The question is on the motion to defer debate until 2.30 to-morrow afternoon. As many as favor that motion will raise their right hands and keep them raised until counted. [Hands raised.]

Those opposed will raise their right hands and keep them raised until counted. [Hands raised.]

Those in favor are 56. Those opposed are 13. The motion to defer debate has been agreed to.

Mr. GUERIN (France). A motion has been made to adjourn until day after to-morrow. This motion should be put to a vote first. The longest delay is always proposed first.

The PRESIDENT. In a strict parliamentary sense, I suppose a motion to adjourn until Thursday morning at 10 o'clock would be pending before the conference. May I suggest a part of the day's agenda is yet unconsidered; that it would facilitate the business of the conference if it were considered before adjournment, that part I referred to at the opening of the conference, the appointing of certain committees for certain purposes, and unless there is objection on the part of the conference the report with regard to the creation of certain committees will be considered.

I hear no objection and the committee of selection will report relative to the creation of other commissions on unemployment, etc.

The SECRETARY GENERAL. The first resolution is as follows:

That the following be appointed a commission to consider the second item in the agenda of the conference, namely the question of preventing or providing against unemployment, with special reference to the report submitted by the organizing committee thereon, and the recommendations made in that report, and to make recommendations to the conference on the matter. The names of the commission are as follows:

|   |                           |
|---|---------------------------|
| Belgium:  | Greece:                   |
| Mr. Julin.  | Mr. Sofianopoulos.        |
| Mr. Mertens.  | Italy:                    |
| Canada:   | Mr. di Palma Castiglione. |
| Mr. Robertson.  | Mr. Baroui.               |
| Mr. Parsons.  | Mr. Baldesi.              |
| Mr. Draper, acting provisionally as substitute for Mr. Gompers. | Japan:                    |
| Czecho-Slovakia:  | Mr. Muto.                 |
| Mr. Hodaev.   | Mr. Masumoto.             |
| Mr. Tayerle.  | Netherlands:              |
| Denmark:  | Mr. Blomjous.             |
| Mr. Bramsnaes.  | Mr. Serrarens.            |
| Mr. Vestesen.   | Norway:                   |
| Mr. Madseu.   | Mr. Paus.                 |
| France:   | Mr. Telgen.               |
| Mr. Lazard.   | Poland:                   |
| Mr. Guérin.   | Mr. Sokal.                |
| Mr. Dumoulin.   | Mr. Zagleniczny.          |
| Great Britain:  | Portugal:                 |
| Mr. Barnes.   | Mr. Drocha.               |
| Mr. Marjoribanks.   | Spain:                    |
| Mr. Stuart-Bunning.   | Viscount de Eza.          |



The PRESIDENT. The question is on the report of the committee of selection for the creation of a committee on unemployment, composed of the persons whose names were read. Without objection, the report will be agreed to unanimously. It is so agreed.

The SECRETARY GENERAL. The next resolution is as follows:

That the following be appointed a commission to consider the question of employment of women and children in unhealthy processes, with special reference to the report made thereon by the organizing committee and the recommendations made in that report, and to make recommendations to the conference in the matter.

The names of the commission are as follows:

|                     |                  |
|---------------------|------------------|
| Belgium:            | Italy:           |
| Mr. Glibert.        | Mr. Fasolato.    |
| Mr. Dallemagne.     | Mr. Baroni.      |
| Mr. Mertens.        | Japan:           |
| Canada:             | Mr. Muto.        |
| Mr. Draper.         | Netherlands:     |
| Czecho-Slovakia:    | Mr. van Thienen. |
| Mr. Spinka.         | Mr. Baas.        |
| France:             | Norway:          |
| Mr. Boulin.         | Mr. Paus.        |
| Mr. Henry.          | Portugal:        |
| Mr. Bidegaray.      | Mr. Barbosa.     |
| Great Britain:      | Spain:           |
| Dr. Leggc.          | Mr. Araquistain. |
| Mr. Marjoribanks.   | Switzerland:     |
| Mr. Stuart-Bunning. | Mr. Schindler.   |
|                     | Mr. Ilg.         |

The PRESIDENT. The question is on the adoption of the resolution presented by the committee of selection to appoint a committee on employment of women and children in unhealthy processes. Without objection, the resolution will be agreed to unanimously. It is so agreed.

The SECRETARY GENERAL. The third resolution is as follows:

That the following be a commission to consider the question of the employment of women (a) before and after childbirth, including the question of maternity benefit; (b) during the night: with special reference to the report of the organizing committee on this subject and the recommendations made in that report, and to make recommendations to the conference.

The names of the committee are:

Mr. de Smet de Nayer and Mr. Mertens, of Belgium.  
 Mr. Draper, of Canada.  
 Mr. Elizalde, of Ecuador.  
 Mrs. Majerova, of Czecho-Slovakia.  
 Mrs. Letellier, Mr. Henry, and Miss Bouvier, of France.  
 Miss Smith, Mr. Marjoribanks, and Miss Bondfield, of Great Britain.  
 Mr. Kershaw and Mr. Joshi, of India.  
 Mrs. Cassartelli Cabrini and Comm. Baroni of Italy.  
 Mr. Kamada, Mr. Muto, and Mr. Masumoto, of Japan.  
 Judge Castberg, of Norway.  
 Mr. Edstrom, of Sweden.  
 Mr. Schindler, of Switzerland.

It is understood that all women advisers who are not in the above list have the right to be present at meetings of the committee in their capacity of advisers.

The PRESIDENT. The question is on the resolution presented by the committee of selection to create a committee on the employment of women, (a) before and after childbirth, including the question of maternity benefit; (b) during the night. Without objection the resolution will be agreed to unanimously. It is so agreed.

The SECRETARY GENERAL. The fourth resolution is as follows:

That the following be appointed a commission to consider the questions of (a) the minimum age of employment of children; (b) the employment of children during the night; with special reference to the report of the organizing committee on these subjects and the recommendations made in that report, and to make recommendations to the conference. The names of the committee:

Mr. Fraipont, Belgium, acting for Mr. Carlier.  
 Mr. Armenteros y Cardenas, Cuba.  
 Mr. Sousek, Czecho-Slovakia.  
 Mr. Hedebol, Denmark, acting for Mr. Madsen.  
 Mr. Henry, France, acting for Mr. Guérin.  
 Mr. Lenoir, France, acting for Mr. Jouhaux.  
 Sir Malcolm Delevingne, Great Britain.  
 Miss MacArthur, Great Britain, acting for Mr. Stuart-Bunning.  
 Mr. Cantacuzène, Greece.  
 Mr. Murray, India.

Mr. Joshi, India.  
 Mr. Fasolato, Italy, acting for Baron Mayor des Planches.  
 Mr. Baroni, Italy, acting for Mr. Quartieri.  
 Mr. Uyeda, Japan, acting for Dr. Oka.  
 Mr. Muto, Japan.  
 Mr. Vidnes, Norway, acting for Mr. Ole Lian.  
 Mr. Bernatowicz, Poland.  
 Mr. Sala, Spain.  
 Mr. Caballero, Spain.  
 Mr. Smyth, South Africa.  
 Dr. Sulzer, Switzerland.

The PRESIDENT. The question is on the resolution presented by the committee of selection to create a committee (a) on the minimum age of employment of children; (b) on the employment of children during the night. Without objection the resolution will be agreed to unanimously. It is so agreed to.

The SECRETARY GENERAL. I would suggest, if there is no objection, that each of those committees should hold its first meeting at 12 o'clock to-morrow morning in order to arrange for the future course of their business. If that is agreed to, I will announce the number of the rooms this evening.

Mr. MARJORIBANKS (Great Britain). May I point out that the discussion on the 48-hour week, or 8-hour day, was adjourned until 2.30 to-morrow for the purpose of giving us an opportunity to consult amongst ourselves? A great many of us are nominated to these committees. If we meet at 12 o'clock to arrange the order of procedure of these committees, it takes away at least an hour of most important time when we should be otherwise engaged in the discussion of the still more important points of the lines on which our discussion will proceed to-morrow afternoon.

Mr. GUERIN (France). Gentlemen, we ought to come to an explanation once for all upon our methods of working. I have just said a few words about it to our amiable colleague, Mr. Baldesi, so that he will not think we are giving way to a wave of laziness when we ask to put off these meetings; but really we do not get away from them; those who are on several committees and have to come here at the same time to discuss certain general questions will be laid up before the end of the week. If you have no pity on the delegates, at least consider the quality of the work that we have to provide. We really have no time to work outside of committee meetings and general assemblies. What is it about? It is about the 8-hour day, We ought to have sense enough to give the necessary time to that question to try to bring it to a successful conclusion.

They have accused us, the employers' delegates—not here, but in certain quarters—of trying to throw the conference into confusion. This, gentlemen, is a calumny against which I protest on behalf of my colleagues and on my own behalf. We wish, after earnest work, to reach conclusions which will bring about a mutual understanding between the employers' group and the workers' group. It is with precisely that in view that we ask to be given breathing time.

A French economist has said: "There is that which is seen and that which is not seen."

Gentlemen, the same thing is illustrated in the conference.

There is that which you see—the work of the committees and the work of the general conference. There is that which you do not see—the work that goes on behind the scenes, the same as in the corridors at the Chamber of Deputies. There are conferences among us, the employers, over what should be done, for we must agree among ourselves before coming to an agreement with others; we must first bring about definite conclusions among ourselves and then see about the possibility of agreeing with our colleagues, the workmen. All that is not done by blowing on it. I am sure that Dr. Nolens will be of my opinion. We also keenly desire to come to an understanding with the Government representatives—whom we esteem and to whom we wish to show all due deference.

So then, please do not put a false interpretation upon the delay which we request. Believe that it is a necessary thing. When our chairman (Mr. Marjoribanks) requested until Thursday to do our work, he was right. You granted until to-morrow. If we are kept here until to-morrow morning by committee work—it is now almost 6 o'clock—what do you expect us to do? Yesterday evening we



worked until midnight, and to-day we were late; you must take into account the physical limitations. I repeat, we can not get away from them.

The SECRETARY GENERAL. I suggest that I can explain that. I only made the suggestion, and if it is not acceptable to the employers' group, of course, it can not be made effective. But I think Mr. Guerin said this morning that he did not wish to be in Washington eternally, and it was to enable him to realize that wish that I made the suggestion that I did.

Mr. GUERIN (France). Between to-morrow and eternity there is some distance. I should be very glad to stay a long time in Washington, but really not eternally. But to stay a day or two to do necessary work, that is another question.

The PRESIDENT. The suggestion of the secretary is withdrawn. The agenda for to-day having been disposed of, may I ask the conference to what time it desires to adjourn?

Mr. BARNES (Great Britain). 2.30 to-morrow.

Mr. GUERIN (France). Make it at least 3 o'clock.

The PRESIDENT. As many as favor adjourning to 2.30 to-morrow will raise their right hands and keep them raised until counted. [The secretary then counted the votes of those in favor.]

Hands down. Those opposed will raise their right hands.

[Votes counted.]

It is agreed to unanimously that the conference adjourn until 2.30 to-morrow afternoon.

[Whereupon at 5.45 o'clock p. m. an adjournment was taken to Wednesday, November 5, 1919, at 2.30 o'clock p. m.]

The following delegates were present:

|                                  |                                   |
|----------------------------------|-----------------------------------|
| Argentina:                       | Czecho-Slovakia:                  |
| Dr. Felipe Espil.                | Mr. Charles Spinka.               |
| Belgium:                         | Mr. F. Hodacz.                    |
| Mr. Michel Léve.                 | Mr. R. Tayerle.                   |
| Mr. Ernest Mahaim.               | Colombia:                         |
| Mr. Jules Carlier.               | Dr. Carlos Adolfo Urueta.         |
| Mr. Cornille Mertens.            | Cuba:                             |
| Canada:                          | Mr. Carlos Armenteros y Cardenas. |
| Mr. F. A. Acland (substitute for | Mr. Francisco Carrera Justiz.     |
| Hon. Gidcon D. Robertson).       | Mr. Luis Rosainz y de los Reyes.  |
| Hon. Newton W. Rowell.           | Denmark:                          |
| Mr. S. R. Parsons.               | Mr. S. Neumann.                   |
| Mr. P. M. Draper.                | Mr. C. V. Bramsnaes.              |
| Chile:                           | Mr. H. Vestesen.                  |
| Mr. Gustavo Munizaga Varela.     | Mr. C. F. Madsen.                 |
| China:                           | Ecuador:                          |
| Mr. Yung Kwal.                   | Dr. Don Rafael H. Elizalde.       |
| Mr. Lingoh Wang.                 | Dr. Don Juan Cueva Garcia.        |

#### France:

Mr. Arthur Fontaine.  
Mr. Max Lazard.  
Mr. Louis Guérin.  
Mr. Léon Jouhaux.

#### Great Britain:

Right Hon. G. N. Barnes.  
Sir Malcolm Delevingne.  
Mr. D. S. Marjoribanks.  
Mr. Tom Shaw (substitute for Mr. G. H. Stuart-Bunning).

#### Greece:

Mr. John Sofianopoulos.  
Mr. Angelus Skinzopoulos.

#### Guatemala:

Mr. Francisco Sanchez Latour.  
Dr. Ramon Bengoechea.  
Mr. Alfredo Palomo Rodriguez.  
Mr. Manuel Moreno.

#### India:

Mr. Louis James Kershaw.  
Mr. Atul Chandra Chatterjee.  
Mr. Alexander Robertson Murray.  
Mr. Narayan Malhar Joshi.

#### Italy:

Baron Mayor des Planches.  
Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cabrini).  
Comm. E. Baroni.  
Mr. Gino Baldesi.

#### Japan:

Mr. Elkichi Kamada.  
Dr. Minoru Oka.  
Mr. Sanji Muto.  
Mr. Uhei Masumoto.

#### Netherlands:

Mgr. W. H. Nolens.  
Mr. G. J. van Thienen.  
Mr. J. A. E. Verkade.  
Mr. J. Oudegeest.

#### Nicaragua:

Señor Don Ramon Enriquez.

#### Norway:

Judge Johan Castberg.  
Judge I. M. Lund.  
Mr. G. Paus.  
Mr. J. Teigen.

#### Panama:

Mr. Andres Mojica.  
Mr. Jorge Luis Paredes.  
Mr. Federico Calvo.  
Mr. Jose Antonio Zubieta.

#### Paraguay:

Dr. Manuel Gondra.

#### Persia:

Mirza Abdul Ali Khan.  
Mirza Ali Asghar Khan.

#### Peru:

Mr. Carlos Prevost.  
Mr. Vicente Gonzalez.  
Mr. Victor A. Pujazon.

#### Poland:

Mr. Franciszek Sokal.  
Mr. Jozef Rymer.  
Mr. Jan Zagleniczny.  
Mr. Edmund Bernatowicz.

#### Portugal:

Mr. José Barbosa.

#### Roumania:

Mr. C. Orghidan.  
Mr. Gregoire Michaelesco.

#### Salvador:

Don Salvador Sol.

#### Siam:

Phya Prabha Karavongse.  
Phya Chanindr Bhakdi.

#### Serbs, Croats, and Slovenes:

Dr. Velimir Stoykovitch (substitute for Dr. Slavko Y. Grouitch).

#### South Africa:

Mr. H. Warrington Smyth.  
Mr. Archibald Crawford.

#### Spain:

Viscount de Eza.  
Mr. Adolfo Gonzalez Posada.  
Mr. Alfonso Sala.  
Mr. Francisco Largo Caballero.

#### Sweden:

Dr. E. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg).  
Senator R. G. Halfred von Koch.  
Senator Hjalmar von Sydow.  
Mr. A. Herman Lindqvist.

#### Switzerland:

Dr. Hans Sulzer.  
Dr. Hermann Rüfenacht.  
Mr. Dietrich Schindler.  
Mr. Conrad Ilg.

#### Uruguay:

Dr. Jacobo Varela.

#### Venezuela:

Dr. Don Santos A. Dominici.  
Mr. Nicolas Veloz.

## SEVENTH SESSION—WEDNESDAY, NOVEMBER 5, 1919.

The conference convened at 2.40 o'clock p. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. Your secretary will read some correspondence and make announcements.

The SECRETARY GENERAL. The only announcement I have to make is to suggest that the committee of selection should meet immediately after this sitting in the Columbus Room, in order to examine the future program of the conference, particularly as to meetings of commissions.

The CLERK. Mr. Grouitch, delegate of the Kingdom of the Serbs, Croats, and Slovenes, is unable to attend and has sent as his substitute Dr. Velimir Stoykovitch.

Mr. MARJORIBANKS (Great Britain). I moved the adjournment yesterday in order that the employers might have time to consider Mr. Barnes' clear statement of fact in connection with the aims and ideals of the organization committee in drawing up a draft convention for the 48-hour week, and also the draft convention itself.

I should like, however, to preface my remarks by categorically stating that my reason for moving the adjournment was not to waste time but to be in a position to put before this conference a constructive proposal which had received the approval of the majority of the employers and which, in their opinion, would facilitate and quicken the work of this conference.

We felt that the draft convention did not fully meet the present conditions under which both employers and workpeople must work, in order to make good the shortage of food supplies and the reconstruction of devastated areas and the replacement of machinery, so as to enable us to return to a normal state of working as soon as possible, and we feel that it is essential for all parties, for countries, for employers, for workpeople, to have these conditions clearly defined, so as to realize the position we are at present in, and, in consequence, I propose shortly to read the proposals we have drafted.

But before doing so I should like to apologize to you, sir, and to the members of this conference. On account of the short time at



our disposal, and in spite of the zeal of some of our members who were working up till midnight last night in preparing this draft, it has been impossible to place the draft in the hands of the secretariat early enough to allow copies to be run off for each of the members of this conference to have them in their hands this afternoon. It was for that reason that I suggested yesterday an adjournment until to-morrow morning. Also owing to the difficulty arising from having only recently met each other and the very limited accommodations at our disposal, it takes somewhat longer than it may later to arrive at decisions. Our proposals—and you will see by them that we loyally accept the principles of a 48-hour week—are as follows:

Resolved, To accomplish the high mission of securing social peace which has been intrusted to it by the Treaty of Versailles, the International Labor Conference is of the opinion that any legitimate effort toward the betterment of the condition of the workers necessarily involves the favorable consideration of every measure for limiting the number of hours of work in industrial establishments.

Taking into consideration, however, the loss of balance between production and human requirements caused by the devastation and the loss of millions of human lives brought about by the war the progressive increase in the cost of living would lead to disaster if the needs of the present situation were not considered in conjunction with the aims of the representatives of labor.

Moreover, we have to consider agreements which have been mutually and constitutionally agreed to in various countries between the organizations of employers and workers, as well as the legislation enforced in the most important countries. The conference, whilst admitting the principle of the limitation of daily work to eight hours, or to a 48-hour week, is of the opinion that the realization of this measure is subject to the following conditions:

1. A guaranty that all industries shall work to their fullest normal capacity.
2. Unanimous agreement to maintain and increase output.
3. The adoption of provisional measures which will enable speedy production and normal distribution in those industries the maintenance and operation of which are indispensable to the economic life of the nations of the world.
4. The adoption of special systems which will hasten relief in the industrial districts devastated during the war.

The International Labor Conference, while recommending to all countries the enactment of general legislation fixing the 8-hour day or the 48-hour week, suggests the following essential conditions to be adhered to:

1. The term "working day" means a period of actual work.
2. The laws and agreements which will be made as a result of the application of this system may entail for various districts of the various industries the same basis of work, based on a different period of time, such as a week, a fortnight, or a month, and for industries subject to weather or seasons of the year, the year may be taken as the unit. In these cases if the actual duration of work exceeds eight hours the average number of daily hours over the period in question shall equal eight hours per day, subject to the following reservations:
3. Special conditions have to be considered in regard to intermittent work and with regard to workers engaged either in special occupations or in work which is done after working hours.
4. Special consideration must be given to work executed by order of an official authority, in the interests of national defense, to maintain public services, and in connection with urgent work the execution of which is imperative either to prevent or to repair accidents which might stop work.
5. The limit of 48 hours per week or 8 hours per day may be exceeded and extended to a maximum of an average week of 56 hours in those industries where continuous processes are carried out by successive shifts.
6. Industries subject to changes of weather or which are because of unforeseen circumstances subject to periods of enforced idleness will have special regulations enabling them to make good for the loss of time arising from such enforced idleness. And with suitable control this will apply also in cases of idleness arising from "force majeure."

7. Where the character or nature of the work demands, the legislation, or agreements made between employers and workers may extend the duration of a working day beyond eight hours, it being understood that the authorized maximum of additional hours per year should not exceed 300.

The International Labor Office may, in exceptional cases, and pending the restoration of normal conditions of production, call for international agreements to make further exceptions in favor of certain industries, the products of which are part of the necessary food supply and for transport by land and water. The duration of these exceptions must be strictly limited and in no case shall they exceed five years.

With a view to effecting speedy reconstruction of industry in the devastated areas, the International Labor Conference recommends deferring the enforcement of the 8-hour day or 48-hour week for a period of five years in all cases where this limitation of the duration of work is recognized as hindering the restoration of these districts.

Such a measure may be taken—

(a) By legislation in those countries where the enforcement of the new conditions of labor is fixed by law.

(b) By agreement between employers and workers in those countries where legislation permits of such agreements, in which case the date of enforcement will be mutually agreed upon.

The enforcement of the present recommendations in those countries which have, up to the present moment, adhered to the International Labor Conference is dependent upon the formal acceptance by the following countries: Austria, Belgium, Canada, Cuba, Czecho-Slovakia, Denmark, France, Germany, Great Britain, Japan, India, Italy, Netherlands, Norway, Poland, Spain, Sweden, Switzerland, and the United States, at the date fixed by the signatories and not later than January 1, 1921.

As regards the general exceptions granted on account of climatic conditions, incomplete development of industrial organization, or other special circumstances affecting the efficiency of the workers, as indicated in article 405 of the treaty of Versailles, such an exception may not be claimed in any legislation with reference to export industries.

The PRESIDENT. Mr. Marjoribanks, may the Chair get a clear understanding of just what the parliamentary purpose of your motion is, whether it is an amendment or a substitute? The Chair did not get just what the purpose was.

Mr. MARJORIBANKS (Great Britain). Mr. Chairman, what I desire by this proposal is that these proposals may be considered as an alternative, or at the same time as the draft convention, as in our opinion they deal with all the questions that are likely to arise in the various countries from the adoption of a 48-hour week, and they deal, we think, with certain items that have been overlooked in the draft convention.

The PRESIDENT. The representative from the Netherlands is recognized.

Mr. VERKADE (Netherlands). Mr. Marjoribanks at the beginning of his address has said that the draft convention which he has just been reading to you was agreed upon by all the employers. I wish to state, especially as an employer delegate of the Netherlands that we did not sign this agreement, and that we therefore do not agree with it.

I have not said that they have no interest, but I say this convention was read to us this morning, and Mr. Marjoribanks has said we agreed to it—all the employers. I wish to state especially that I, as a delegate of the employers of the Netherlands, do not agree to it, and that we did not sign it. I have not signed this convention and therefore do not agree with it. I have not signed it.

The PRESIDENT. Dr. Rufenacht, the Swiss delegate, is recognized.

Mr. RUFENACHT (Switzerland). Mr. President, ladies and gentlemen, allow me in my capacity as Government delegate from the Swiss Confederation, to make the following observations

You have in your hands a report explaining Swiss legislation in regard to the matter in question, and the attitude of the Swiss



Government on the resolutions of the organizing committee.<sup>1</sup> Some supplementary information is necessary however.

Since the questionnaire was originally filled out the Swiss Government fixed the hours of labor in the transport industries, at first provisionally, and later submitted a bill to the legislature looking to a final settlement. Moreover, the legislature passed a law in June establishing a Federal bureau of labor statistics, and enabling the authorities, under certain limitations, to fix labor conditions, including hours of work even for those industries which are not under the provisions of any Federal law. This does not include commerce. It is true, however, that this law has not yet come into force because it is being submitted to the people for referendum. In pursuing this course of action Switzerland is respecting her traditions regarding the protection of labor.

As a matter of fact it has been more than a century (1815) since the Swiss Cantons of St. Gall and Zurich promulgated the first regulations with regard to child labor in certain factories. The first law on the hours of labor for all classes of factory workers was adopted over 50 years ago by the Canton of Glarus. This same law established the first system of factory inspection for Switzerland. The protective tendency in Swiss legislation should be observed, because even before the war Swiss industry was subjected to very unfavorable conditions considering its dependence on foreign countries for raw materials, and the fact that it had a very restricted market within the country itself. But Switzerland has not confined herself to improving her domestic legislation. From the first she has felt that advantage should be taken of her geographical position in Europe and that she should profit by her relations with her neighbors in working out an international entente. Ever since the Alsatian, Daniel LeGrand, first proclaimed his idea of international labor legislation over 60 years ago, that idea has been repeatedly taken up by the Swiss authorities.

In 1890 the Federal Council proposed holding an international conference, but gave priority in the matter to Germany, as a matter of courtesy, inasmuch as Germany had at the same time conceived the same idea. It was on the initiative of the Swiss authorities, however, that international conferences were convened at Bern in 1905 and 1913. The first of these conferences resulted in conventions limiting night work for women and prohibiting the use of white phosphorous in the manufacture of matches. The second resulted in proposals referring to the work of women and children.

If I have taken the liberty of mentioning these facts and dates, it is not for the purpose of lauding my own country, but simply to explain that Switzerland is merely being faithful to her traditions in supporting with her feeble force every action tending toward international protection of labor. Inasmuch as I believe that we shall come more quickly to a definite decision and a satisfactory solution by accepting the motion of Mr. Barnes, I have the honor to support it.

The PRESIDENT. Mr. Schindler is recognized.

Mr. SCHINDLER (Switzerland). I wish to state that the Swiss employers' delegates have accepted the motion made by Mr. Majoribanks and have signed it, together with the great majority of their colleagues.

I propose that this motion of the employers together with all those referring to the same subject be put into the hands of a commission for consideration.

The PRESIDENT. Mr. Baroni of Italy is recognized.

Mr. BARONI (Italy—remarks in Italian). As representative of the employers of Italy I wish to state that I have not signed the proposals submitted to-day by Mr. Majoribanks. In Italy the 8-hour day is already an accomplished fact in all industries, including agriculture. A bill is now before the Chamber of Deputies for giving the arrangement which will be made to this effect between employers and employees the force of law. The bill will undoubtedly be approved.

The PRESIDENT. Mr. Jouhaux is recognized.

Mr. JOUHAUX (France). I speak for all the labor delegates here present. As far as the labor delegates are concerned it is simply a matter of raising the question and not of entering into discussion of the basic principles involved.

According to the decision of the conference yesterday afternoon, the labor delegates wish to inquire if Mr. Barnes's motion is limited—if it excludes all amendments on the 8-hour day and involves simply a general discussion of the 48-hour week. There was an exchange of view on this subject this morning, in the course of which private points of view were set forth by different labor delegates. There is no need here of emphasizing the fact that the labor point of view differs considerably from the proposals which have just been read, nor do I wish to enter upon a discussion of the proposals made by the employers. I believe that the proposals which have been made can constitute only a basis for general discussion, and that important concessions will probably be made according to the direction of progress. If such is not the case, however, if we have to accept the proposals as the actual terms of the international convention, then the labor point of view is opposed to them.

In the discussions which have taken place, the labor delegates, following tradition and with their usual insistence, have affirmed the necessity of making a definite point of the 8-hour day in the international convention, and at the same time have given their opinion on the 48-hour week. However, that the 8-hour day and the 48-hour week have been considered as the maximum, the labor delegates can not pass over in silence. In all countries, among the masses of workers, it is not simply a desire to obtain the 8-hour day, or the 48-hour week, but also a desire to enjoy the leisure of the Saturday afternoon. Here is an aspiration of the workers that must not go unrecognized in such a conference as this. It is not simply a discussion of things material; it is not a question of injecting arithmetic into the debate; it is more than that; it is a consideration of the whole social situation. We do not wish to participate in an international convention which, by leaving out of consideration the aspirations of the masses of laborers, would bring ridicule upon our work and our debates, and would brand the First International Conference as futile from its beginning.

In the course of his remarks yesterday Mr. Barnes said that it was not enough to consider the question of limiting the hours of work alone, but that it was equally essential to keep in mind the need of production, indispensable not only to the life of all humanity but also to its development as a whole. The labor delegates have no intention of losing sight of this essential point; but we wish that here for the first time, in these international sessions, it may be clearly understood that production does not depend solely on the presence of labor in the workshop, but on the organization of labor, and the improvement of machinery. In other words, we wish that at the beginning of its work the conference state explicitly that it has done with that human slavery which binds the laborer to his factory; and that it is no longer the human machine alone which determines production, but also the development of machinery and the rational organization of labor. [Applause.]

Moreover, in drawing up the international convention we must also take into account the body of labor legislation already existing in certain countries, and especially the advances made by the workers in certain countries.

It is for these essential reasons, and in order that the work of the conference may be effective that the labor delegates have agreed to propose the following amendment with regard to this first point:

The draft convention concerning the 8-hour day and the 48-hour week as maxima, drafted by the organizing committee, is adopted by the conference as a basis of discussion.

With regard to the second point of Mr. Barnes's motion, we do not object to the appointment of a special commission. We believe that naturally there are points of view which should be given careful consideration, and situations which require a more thorough examination than we can give in the course of a general discussion. But

<sup>1</sup> Refers to the reports of the organizing committee printed separately in London and circulated in advance of the Conference. [Editor.]



although we agree to the appointment of a commission, we make reservations in advance on the names of the countries which may have been excepted in the discussion yesterday, as well as on the names of those which may have been in the minds of certain delegates. We believe that this question should be carefully and thoroughly discussed, and that we can not make a final decision on the particular motions which will be submitted to us until after such discussion has taken place.

I think I may state to the conference that this morning, after the discussions on this very point, the labor delegate from Japan asserted that he did not intend his country to be excluded from the application of the 8-hour day or the 48-hour week; that it would be contrary to the Japanese labor interests, and that they would protest in advance. You see there are various points of view which should be given expression during the discussions of this commission; nor can we say until after this discussion has taken place whether there are exceptions to be made, which should be adopted for certain countries, or determine the methods of application of the principle which we wish to be universal. Following is the complete amendment proposed by the labor delegates:

The draft convention concerning the 8-hour day and the 48-hour week as maxima, drafted by the organizing committee, is adopted by the conference as a basis for discussion. The question of applying this draft to tropical countries and other countries mentioned in paragraph 3 of article 405 of the treaty shall be referred to a special commission for investigation, which shall report on the matter to the conference.

You see the labor delegates have simply proposed an amendment to the motion made by Mr. Barnes, as they considered his first point of capital importance, and one which should be definitely fixed before a general discussion takes place. With that purpose and without any desire to enter into an examination of the proposals made by the employers we offer our amendment. [Applause.]

The PRESIDENT. Mgr. Nolens of Netherlands is recognized.

Mgr. NOLENS (Netherlands). Mr. President, I am not authorized to speak in the name of the other Government delegates. I speak for myself, but I believe that I speak also for the whole Dutch delegation.

I must say that from time to time we meet with surprises. This morning I read on the agenda "At 2.30 a full meeting. Continuation of the general discussion of the 8-hour day and the 48-hour week." Hence I concluded that an agreement had been reached on the first part of Mr. Barnes's motion, and that it had been understood that it was impossible to confine our discussion to the 48-hour week.

All the more so because (a matter that escaped my notice yesterday) the report itself of the committee ran as follows, page 3:

The treaty submits to the consideration of the conference two proposals, either one of which may be adopted: The 8-hour day or the 48-hour week.

I also reread the preamble to part 13 of the peace treaty, which among other things gave the maximum duration of the working day and the working week. After reading that afresh I said to myself: "Mr. Barnes has made a mistake. The matter has been cleared up, however, and now the discussion will be continued on the basis of the draft of the committee. We shall have a general discussion first, motions will be made by members and then amendments at the end of the general discussion."

We shall study the motions, and by considering the different parts of the draft of the committee we shall have an opportunity of defending the amendments and voting on them.

Mr. President, I see I was mistaken. Now, if I have rightly understood the lengthy proposals of the employers—not of all of them, either, as some took exception—it is now proposed to conduct our discussion on a different basis.

Mr. President, I will be brief; I will not go deep into the matter with which we are now concerned. I will not even discuss the question. I only want to say, in agreement with all the delegates from our country, that I desire to support the motion made by Mr. Jouhaux. I had also considered separating Mr. Barnes's motion, amending the first part, and then referring the questions in the last part to a committee for investigation.

Mr. President, one word more on the way I look upon this conference. This is not an industrial conference, it is not a conference between employers and employees, nor is it primarily for the purpose of settling disputed points, although if that can be, so much the better. The chief object of this conference is to put into execution the idea of the League of Nations.

A MEMBER OF THE FRENCH DELEGATION. Hear! hear!

Mgr. NOLENS. We are here as the delegates of present or future members of the League of Nations. For my part, I do not consider myself merely a representative of my Government, but as one of the representatives of the members of the League of Nations. In that capacity, Mr. President, if there is still anyone who wishes to appoint a commission to consider the principle of the eight-hour day, I should like to couple such a motion with one to appoint a committee for the discovery of America. [Laughter.]

Mr. GUÉRIN (France). A committee for the discovery of America might not be altogether useless here.

Mgr. NOLENS (Netherlands). This is the position in which we now find ourselves, employers, employees, and Government delegates. Employers, employees, or Government delegates, no matter what our position, no distinction should be made between us. We are all here as representatives of present or future members of the League of Nations. It is this League of Nations—I do not want to go over all the articles of the peace treaty which you all know—which on various occasions has bound itself by declarations on this subject, and in the same way we also are bound specifically by part 13 of the covenant of the League of Nations as well as generally by the implications, the import, the prospect and the promises contained in these different articles and in the preamble to part 13.

It is for this reason, Mr. President—forgive me if I allow myself to be carried away by this subject, I shall be more calm presently—it is for this reason, that I desire to say that not only myself as representative of my Government and the future League of Nations, but that also the employer and employee delegates from my country will all vote against any motion which is not in harmony with the stipulations of the League of Nations. [Applause.]

Mr. CARLIER (Belgium). I venture to differ slightly from Mgr. Nolens.

What did the League of Nations want, or, rather, what did its promoters want? To bring about a peaceful solution of the strife, the differences and the conflicts which have hitherto raged between employers and workers. And what is the means to which the promoters of the League of Nations have recourse? Evidently this, to gather together at the same time in conferences representatives of the Governments, of the employers, and of the workers, so that each of these groups may make its voice heard, and that the representatives of these various interests may come to an agreement and find a fair compromise which will permit of that peaceful solution which these promoters had in mind and desired. Well, we now have before us a proposal contained in the documents of the conference, and this proposal emanates from an official source, if I may say so. In our turn, we bring forward a proposal emanating from the employers. Mr. Jouhaux tells us that he supports in part the proposal set forth by the Governments, and it seems to me that by doing what we have done, we have performed our duty exactly as required.

We have been asked to present our ideas, and we have done so. You say to us, or you will say: "You might have brought them forward sooner." I ask your pardon a thousand times, and in my turn I accept, as my friend and colleague, Mr. Guérin, did yesterday, the reproach against us for not having expressed our views earlier and more speedily.

Gentlemen, we are assembled here, the representatives of 30 or 32 countries. As for the employers, we are 20 in number. We all come from different parts of the world, speak different languages, and our point of view is not always exactly the same. This must be obvious to you; you see it in all the discussions which have developed. We must express ourselves, or, if I may say so, translate our thought in such a way as to make it understood by our colleagues. We have been here as yet scarcely a week; could we



have got on any faster? I must therefore reject most energetically and with all my heart the accusation which has been brought against us that we are obstructionists and that we are too dilatory. We came here in good faith, desirous of arriving at that peaceful solution which was longed for by the founders of the League of Nations, and we can not permit anyone to cast suspicion on our sincerity. We are square and honest, and the workers who have treated with us often know this well. [Applause.]

I say that our workers know what we think and what we want, because in many of our countries, as you are informed by the statement that was just read to you by our colleague and friend, Mr. Marjoribanks, agreements have hitherto been freely concluded and lived up to in good faith which have fixed labor conditions by trying to adjust the necessities of both parties and thus arriving at a solution acceptable to all. That is what we have done. But how did we do it? Was it in large meetings where everybody was called in and where everybody would be affected by all the excitement of an assembly and all the agitation of a large gathering? Not at all. Mr. Jouhaux and all the workers' delegates who are here know this as well as I, for among them I see the faces of more than one negotiator of those amicable agreements.

We discussed matters with each other calmly, peacefully, and in all seriousness, and we did not allow ourselves to excite one another. Well, we want to bring you to precisely such a fruitful and effective method of procedure, which is the only really logical one. We request informal discussion because we feel sure that if we once more find ourselves face to face, as we have been in the past, we will rapidly and easily arrive on common ground. It is certain that after finding this common ground so quickly we can lay before the conference a solution which I am convinced it will ratify promptly. We shall then come to the end of discussion and reach a solution on this first point.

Gentlemen, Mr. Jouhaux made a statement on behalf of the labor delegates which should be emphasized in the record and for which we should give him our heartiest thanks. He said that the workmen do not wish to decrease the amount of the world's production, but, on the contrary, wish to have it augmented in every possible way. This desire, if you will permit me to say so, should be felt by everyone who has the interest of humanity at heart. Mgr. Nolens, as becomes his character and station, just now spoke of the future of humanity, whose betterment is at stake. Is there anything with which we should be more thoroughly engrossed than with the labor situation which is being debated by the whole world at this time? Each day the cost of living increases. Each day people—and particularly the working classes—are asking themselves how they are going to meet the cost of living. The question is, how?

Not only are we all forced to pay absurd prices, but living conditions are further complicated by the overwhelming financial burdens which will have to be supported by all the nations of the world in order to pay the expenses of the war. As we said not long ago, 5,000,000 men were killed during the war, and over 1,000,000,000 machines were destroyed. From the very first day you have acclaimed Mr. Guérin as the representative of France, when you have recalled the frightful martyrdom to which this great and noble country has been subjected. Nor can we ever render enough homage to France. [Applause.] Well, Belgium did not lag behind, and if you will allow a Belgian to say so, Belgium was in about the same condition. Can you take a step there anywhere without finding ruins or without realizing the necessity of making tremendous efforts if things are to be restored. Consequently the development and increase of production becomes the duty of each one of us. It is the greatest obligation God has put upon us. I repeat, if we diminish our efforts it will lead us to the worst catastrophes in the world. I am happy to have heard Mr. Jouhaux's statement on this point and I thank him.

We are at one with the workers as to the necessity of increasing production. Mr. Jouhaux thinks that this increase can be obtained by machine development and by still other methods. If he will allow an old man like me to tell him so, machinery can not be devel-

oped as one would like, tools can not be transformed and new instruments invented in a day. And in any case may I be permitted to say that industry is not a philanthropic work, nor a matter of parlor theorizing. The object of industry is to create products for sale in the hope of finding purchasers. If production does not take place under conditions that are sufficiently advantageous for finding such purchasers, then such industry founders are ruined, and the workmen whom it has employed are discharged, thrown out of work. These are absolute facts against which nothing can be said or done.

I venture to say, this time in the name of all the employers—I feel certain that not one will contradict me—that every one of us, in his factory, in his business, has an overwhelming responsibility which he does not lose sight of for a single instant and which imposes on him the duty of maintaining this production, not only for himself, but for the workmen he employs. Now, and I am going to end here, believe me, gentlemen and workers, when I say we have the same aims and purposes. We can only achieve the wish of everybody by going hand in hand. And we want to do this—we want to do it with all our hearts. We ask you to give us your hands, to put your hands in ours, which we extend to you loyally and sincerely, I repeat, like honest men if there ever were such.

That is why I have just asked you to support, and why I myself support with all my strength, the proposal of our honorable colleague from Switzerland, asking that the matter be placed in the hands of a commission in such a way that we may be brought more closely together, and that we may arrive more quickly at a happy solution.

I will add one word, and one only. Do you not find a certain contradiction in your attitude, Mr. Jouhaux? On one hand you put the question with regard to those countries which you consider sufficiently strong, and on the other hand you want a commission to consider the question with regard to those countries which in your eyes are relatively less strong. Are you not afraid that when these relatively weaker countries find that they are excepted for a certain number of years, their competition with our own industries will be all the stronger, and that as a result your lot and ours will be much worse than before?

This concludes what I have to say, and I ask the pardon of the conference for taking a few moments of its time. Mr. Jouhaux kindly admitted yesterday that I did not speak often, and I promise to continue to deserve his praise. I shall not speak often, but for this once I wanted to say all that was on my heart. I thank you for listening to me. [Applause.]

The PRESIDENT. Mr. Gompers, of the United States delegation, is recognized. [Applause.]

Mr. GOMPERS (United States). Mr. Chairman, ladies, and gentlemen, with the report or statement made by Mr. Jouhaux, on behalf of the representatives of labor, in so far as his statement upon that subject is concerned, I am in full accord, notwithstanding the fact that other duties of a most important character interfered with my presence at that meeting this morning, when that attitude and position were taken. The only purpose that I have in rising, therefore, is to supplement what Mr. Jouhaux said, with some observations upon the entire subject, not only as it is, in its concrete form, before this conference, but also as to some of the declarations made here this afternoon.

First, let me say that, so far as discussing the question of the length of the workday is concerned, unless the eight-hour day, under normal conditions, shall be the maximum of the day's labor, you might as well abandon the discussion of this subject, for labor of America and labor of Europe and labor of all countries, which has some intelligence and understanding, will not consent to a workday longer than eight hours in each day.

But quite apart from that declaration, I was very much interested in listening to the declaration made by Mr. Marjoribanks, as representing the views and the declarations of the employers. Ladies and gentlemen, I think that the time for what we call in the United States "pussy-footing" is past, and the time for plain speaking has arrived. What is the declaration made by Mr. Marjoribanks on behalf of the employers of the various countries? Is it in conformity



with the concept of the labor draft convention or the agenda? Is it within the spirit of the League of Nations? Is it intended—is that draft convention intended to go back to the conditions worse than they are to-day?

The committee for international labor legislation at Paris, the committee created by the peace commissioners of the allied and associated Governments, adopted a preamble setting forth that the purpose of this draft convention and the organization of international labor is for the purpose of improving the moral, material, and social condition and standards of the working people of the whole civilized world.

That was the purpose as set forth in the preamble and carried out in the draft convention itself and supplemented by the agenda. And with some slight modifications that draft convention, the work of that committee, was incorporated bodily in the peace treaty at Versailles. At the meetings of the committee there arose some question as to the make-up, not only of the personnel, but also of the representatives in the international labor conferences; and the proposal was for two from the Government, one from the representatives of the employers, and one from the representatives of workers of each country. There were some of us who advocated the principle of one Government representative, one employers' representative, and one labor representative. I remember the argument that was made against those who proposed one, one, one. It was this: The employers and the workers will act in collusion against the Government. You have heard the demonstration of that collusion this afternoon.

The declaration of Mr. Marjoribanks for the employers contains something like this—as my memory may serve me and from a memorandum that I have made—that while employers recognize the principle of the 48-hour week, in practice they are opposed to it.

The charge of limitation of output against workers is only incidental and a repetition of that which we hear from employers everywhere. The statement that employers shut down their factories and establishments for the purpose of exploiting the people through unfair profits is not referred to. The limitation and restriction of output on the part of employers is direct rather than that attributed, so unjustly attributed, to labor.

If I quote correctly, among the proposals of the employers of the various countries, and as read by Mr. Marjoribanks, it is not only permissible under certain conditions to work 56 hours a week, but also under certain circumstances 300 extra hours of work a year may be imposed on the toilers, at least not more than 300 hours; and then the proviso is that further exceptions may be made so that additional hours may be imposed.

I have been connected with the efforts of the workers to secure improved conditions of labor. I have had innumerable conferences with employers, both individually as well as in assemblages, but for the first time in my life it is suggested that the work period be calculated not upon the week, the month, but upon the year basis. In other words, the employers could, if they wanted to, if Mr. Marjoribanks's suggestion should be adopted, work the employees 168 days in each year 16 hours a day and let the workmen go idle for the balance of the year. I do not presume that that was in the minds of the employers when they adopted that declaration, but that construction is inescapable.

I may say, speaking for the men and women of labor whom I know in America, we are as much opposed to that idea as we would be to any proposition of that or similar character; and I may say, too, that the 48-hour week is not one that will suit the views of American labor. We want the 8-hour day and we want the Saturday half holiday, and when we say the 8-hour day we say it as a maximum workday. Of course, we understand, too, that there are emergencies which arise and which necessitate the performance of labor. No man in his sane mind will interpose objection to working under such extraordinary conditions. These conditions must be recognized, and work must morally and willingly and voluntarily be performed to meet such an emergency.

There is something not yet understood, even by employers—in the countries represented in this conference, anyway—and that is that

a long workday does not yield the greatest product. Our friend from Belgium who addressed this conference just preceding me said that there are not new inventions of machinery every day. Let me call his attention to the fact that he can go to the Patent Office right here in the District of Columbia and he will find that there are more patents every day than he can count. There is new machinery being invented, and new tools, new devices, and new applications of force and power to drive industry—machinery for industry and transportation. Let me call attention to the fact, too, that wherever you find the hours of labor longest, there you will find the least improvement in machinery in its application to industry and transportation, and that wherever the hours of labor are shortest, there you will find the largest application and the newest inventions of machinery employed in industry and transportation and driven by the greatest possible known force of the time.

It is a fact, which all history of industry bears out, that there is more produced by the worker, everything else being equal, in an 8-hour day than in a 9, 10, or 12 hour day. I want to repeat that statement if I may, even to make it plainer or to make an impression upon your minds, that everything being equal, without improved machinery, without any additional driving force or power, a man, working in a factory or any other establishment 8 hours a day will produce more than in another establishment under the same conditions, if the workmen in that establishment work 10 or 12 hours a day. The fact is that if you want the best that is in a workman in the least possible time, then work him about 48 hours continuously and he will be "all in." If you want the best that is in a workman for a period of 6, or 8, or 10 years, you will work him 10, 11, or 12 hours a day. But if you want the best that is in a workman covering a long period of years, you will impose no longer than an 8-hour day upon him. You will have prolonged his life, you will have increased his productivity, you will make him more of a man as a citizen, and you will make of him a far-seeing and progressive man. This question of production, the men of labor and the women of toil—they produce and are willing to produce to the fullest of their ability and capacity—but we urge upon you for your consideration also that the man and the woman of labor are not merely machines, but he and she are human beings, and the human side of industry must also have some of your consideration.

It is exceedingly fortunate that in the draft convention a protocol was finally agreed upon—a protocol to article 19—that shall at least safeguard those countries and those States from such reactionary legislation as may be proposed. I don't know whether you men coming from your various countries can go back and make good to the men of labor of your countries if you declare for the abandonment of the eight-hour day. The proposition of the gentleman representing the employers, and the proposition as proposed by Mr. Barnes yesterday, are equally objectionable. They do not take into account the unit of the day, the eight-hour day maximum. In the United States we are going beyond it, and we mean it, too, and we are not going to reduce production. On the contrary, I doubt if there is anywhere in the world where the workmen, individually and collectively, produce so much as the workmen do in the United States.

We are not going back, nor are we going to be driven back. The whole purpose and worth of the International Labor Commission, of the draft convention, and of the international labor conferences, was to bring light into the lives of the working people of the world, and not to take from them, by indirection or otherwise, the advantages which they have gained. The proposition made by the employers to this conference might better be termed a declaration for the abandonment of the limits of the hours of labor in the whole civilized world, rather than a proposition to regulate the hours of labor.

MR. MARJORIBANKS (Great Britain). Mr. Chairman, Mr. Gompers asked me two questions—

THE PRESIDENT (interrupting). May I suggest, as it may be useful in future discussions, that the asking of questions by one speaker upon the floor does not give to another delegate or repre-



sentative on the floor the right to the floor, and he can make his reply when he gets the floor in the regular order.

Mr. GUÉRIN (France). Only, then they went into a discussion of the main point, and that was not on the program; we did not confine ourselves to the question under discussion.

Mr. GOMPERS (continuing). Just a word more and I shall be done.

The matter of this proposition must of necessity prove the subject upon which there should be material agreement. The immediate future requires it and requires a better regulation than can be adopted upon any other question. If the employers maintain the position that has been put forth, then all that the labor delegates can do is to appeal over their heads to the representatives of the Governments, and the representatives of the Governments, as the result of the expression of the feelings and the needs of all their peoples, will support a proposition so manifestly fair as the maximum eight-hour day.

The PRESIDENT. Mr. Shaw, of the British delegation, is recognized.

Mr. SHAW (Great Britain). Mr. Chairman, much has been said about general principles, into which I do not care to enter. Permit me to say that, so far as we are concerned, we have heard the declaration of the employers with very great dissatisfaction. Details I shall not attempt to discuss, because I suggest that the question before the conference is not the question as to the program that shall be submitted to Governments, but a question as to procedure. We have talked a great deal about production. I am in favor of increased production, even in this conference, and I suggest that we should work scientifically in order to get a better production than this afternoon's proceedings have yet given. [Laughter and applause.]

Let me give, if I may, the position as I see it. Yesterday I moved the adjournment of the question in order that this morning everybody should come to a conclusion as to what his position should be. The motion before the conference was that this draft convention be adopted as the basis for discussion, but a remark made by Mr. Barnes left in the minds of all the workers' delegates the impression that the 8-hour day as such would be excluded if the motion were carried and only the 48 hours would be discussed. Mr. Jouhaux now proposes that with the understanding that the whole of the report is the basis for discussion and subject to amendment, and with reservations with regard to clause 9, the report be now accepted; and I suggest to the employers, to the Government delegates, and to everybody in the conference that that is the best way of getting down to business. If the proposal of Mr. Jouhaux is carried, this convention will be the basis for discussion; either the employers' or the Government or the workers' representatives may amend any clause they care to amend. Every principle the employers have laid down can be put in the shape of amendments to these clauses; every principle the workers want inserted can be put as amendments to these clauses; and we can get down to real work instead of dealing with generalities.

The PRESIDENT. Prof. Mahaim, of the Belgian delegation.

Mr. MAHAİM (Belgium). Gentlemen, I do not claim to rival the eloquence of the speakers who have preceded me. I desire merely to draw the attention of the assembly to its method of work. We have before us Mr. Barnes's proposition, amended by Mr. Jouhaux, supported by the representative from Switzerland, and one from Mr. Marjoribanks proposing a counter draft. The real question to be settled for the time being is whether the study of the draft convention proposed by the organizing committee is to be referred to a commission or not.

I rather think, gentlemen, that to-day's experience shows that it is impossible to refer the draft of the organizing committee to a commission, and so my proposition consists in requesting that Mr. Marjoribanks' proposal be combined with that of Mr. Barnes in such a way that the basis of discussion shall be the draft of the organizing committee, in which a natural place will be found for the amendments offered. Gentlemen, it seems to me that this method

is at once logical and practical. You have been acquainted for a long time with the draft convention drawn up by the organizing committee, and after reading the proposal made by Mr. Marjoribanks I think I can say that all the proposals which have any practical bearing on the case and which are in this memorandum will at the proper moment find a place for themselves as amendments to the draft of the organizing committee. I therefore ask that the conference proceed with the agenda, taking as a basis of discussion the Barnes proposal, to which will be added Mr. Marjoribanks' proposal.

The PRESIDENT. Mr. di Palma Castiglione, of the Italian delegation.

Mr. di PALMA CASTIGLIONE (Italy—remarks in Italian): I wish to call the attention of the meeting to the international character of this conference. Some of the expressions used by the delegate of the employees of France and the delegate of the employers of Belgium gave me the impression that they were treating this conference as if it were a conference of representatives of workmen and of employers only.

In this meeting it is not a question of coming to agreements between French workmen and French employers, or between Belgian workmen and Belgian employers. If the discussions are to be conducted on that basis, then we run the risk of hearing over again the things that have been repeated a hundred times already in Paris, in Brussels, in Rome.

What is the purpose of this conference? Its purpose is to come to international understandings so that it may not be possible for some country, by not adhering to the labor regulations accepted in other countries, to exercise an unfair competition which would react unfairly on those countries which have a system of labor legislation.

If we look at the purpose of this meeting from that point of view, then its program of work becomes very clear. It is well known that in a large number of industrial countries eight-hour legislation has already been enacted and accepted and is in practice. It is a question of consulting with those countries which have no such legislation, so as to see what basis there can be for an understanding between them and those that already have legislation on the eight-hour day.

It is obvious that the workers' representatives in this meeting are concerned about this point: Whether by adhering to an international agreement in this meeting they may not prejudice the advantages already secured in their own individual countries by their workmen as the result of labor agitation and labor legislation.

On the other hand, the representatives of the employers hope that they may be able to avail themselves of the results of any international agreements that may be arrived at here to diminish the victories obtained in their own countries by their workmen through labor legislation.

Now, I would call the attention of this meeting to the last paragraph of article 405 in the treaty of peace, which was inserted at the request of Mr. Gompers. This article says as follows:

In no case shall any member be asked or required, as a result of the adoption of any recommendation or draft convention by the conference, to lessen the protection afforded by its existing legislation to the workers concerned.

It is therefore evident that all agreements which may be arrived at by this convention for the protection of workers in the several countries will constitute a minimum of protection and not a maximum.

I am in favor of the motion which has been presented at this meeting, to refer the proposal submitted by the organizing committee to a commission for its examination, together with the counter proposals submitted to-day by the employers.

The PRESIDENT. Mr. Fontaine, the French delegate.

Mr. FONTAINE (France). Yesterday and to-day we discussed at once a question of method and a question of substance, and I think it is by coupling these two questions together that we have prolonged the discussion. This interchange of opinions has, how-



ever, not been useless, for it has permitted both employers and workers at once to make known their feelings on a most important question, a root question, which was the basis of all decisions affecting the eight-hour day.

Here is the proposal I wish to make: To omit from Mr. Barnes's motion the words "concerning the 48-hour week." These words anticipate a solution of the problem; they are the words to which Mr. Jouhaux objected, and to which all the employers may likewise object, since they offer in advance a solution when only a method is concerned.

Mr. GUÉRIN (France). Don't speak for the employers; they will speak for themselves.

Mr. FONTAINE (France.) I am speaking for the employers with whom I have had an understanding, but any contradiction will be quite in order.

I propose to omit the words "concerning the 48-hour week." That being done, we shall take as a guide for the discussion the series of proposals made by the organizing committee. All the amendments can be presented, both on the 8 and 48 hour question, as well as on all questions raised by the counter draft of the employers' group.

I am not saying at this moment that it will not be necessary, as the employers desire, to appoint a commission; I merely say that it is not necessary to appoint it before the general discussion on the 8 and 48 hour question has taken place, for not until then can the amendments take final shape. After this general discussion will come the question whether or not it is proper to appoint a commission to which all amendments shall be referred.

My proposal, in brief, is as follows:

First, to adopt Mr. Barnes's motion, omitting the phrase "concerning the 48-hour week," which anticipates a solution, whereas we are only seeking to define a method; second, to hold a general debate on this main point, 8-hour day and the 48-hour week; third, when this has been done and you have come to a decision on this point, which can not be treated in committee, since it can only be decided by the assembly, you will then determine whether or not it seems useful to appoint a commission to which will be referred all amendments, including those which are proposed by the employers and which are included in their own proposal.

Such is the proposal which I submit in order to shorten this discussion.

Mr. BARNES (Great Britain). Will you allow me, Mr. Chairman, to say one word, that I accept the proposal offered by Mr. Fontaine.

The PRESIDENT. M. Guérin, of the French delegation.

Mr. GUÉRIN (France). The employers find themselves compelled to insist on the proposal formulated by Mr. Marjoribanks, supported by Mr. Carlier, and taken up again by the Swiss delegate. Mr. di Palma Castiglione has made the same request as ourselves, namely, to refer this proposal to a commission. In fact, ladies and gentlemen, what is going on here shows that it is absolutely necessary to extricate this question from discussion, more or less confused, by trying to limit the number of participants in the debate, in order to try to come to an agreement.

Are we here to make speeches for the public, or are we here to endeavor to reach a practical solution? To state the question, it seems to me, is to settle it. Now, experience teaches us—and I am astonished that Mr. Mahaim's experience has taught him the contrary of what we have all observed—that when one is facing 300 persons it is impossible to reach an agreement on a wording necessarily involving compromise. If we are in a committee—so constituted, of course, that all opinions shall be represented—we shall probably succeed in reaching an agreement; or else, if we do not, it will be because such agreement is impossible.

What is there impossible, impracticable, in referring this to a commission? That is what is done in all deliberative assemblies. The proposal of Mr. Marjoribanks is joined to that of Mr. Fontaine, and that of Mr. Carlier to that of Mr. di Palma Castiglione; there is also a suggestion on the part of Mr. Jouhaux. All of which indicates

that it is absolutely necessary to get together, so as to come to an agreement in the quiet of a committee.

We make this proposal with the best intentions and the greatest sincerity. Once more, I do not see what there is extraordinary in it. I repeat, we insist, then on the proposal to appoint a commission to try to reach an agreement on the various proposals which have been submitted to us.

One more word: The honorable workers' delegate from Great Britain said just now that we were not getting on, that we were not doing any work. Most assuredly, the way to do efficient work is to get started on referring questions to commissions. I therefore submit a proposal worded as follows: Reference to a commission of all drafts submitted or to be submitted.

The PRESIDENT. Mr. Marjoribanks.

Mr. MARJORIBANKS (Great Britain). I only want to make a short statement. I was asked two questions by Mr. Gompers. I am sorry I interrupted his speech. I thought he had finished it; otherwise I would not have risen.

I want to say that, in our opinion, the proposals offered by the employers are in the spirit of the draft convention and in the spirit of the question submitted to us by the League of Nations. But there is this point which I think demonstrates the necessity of referring these things to a committee, viz, that Mr. Gompers put into our mouths ideas and words that we never intended. We never intended to question the 8-hour day or the 48-hour week. We simply desired that the details of the law in connection with these questions should be referred to a committee; and, in addition to that, it never entered our heads that when men in continuous industries were working 56 hours a week additional hours should be imposed on them. We realize as well as he does that you can not ask people to work long hours and expect them to be as fresh at the end of a year or 10 years or 20 years as when they are working a reasonable time. We fully realize the necessity that workmen should not be asked to work a longer time than enables them to work continuously without any injurious effects upon their health.

Mr. GOMPERS. You have not said a word about eight hours.

The PRESIDENT. M. Jouhaux is recognized.

Mr. JOUHAUX (France). I do not wish to prolong the debate and consequently I shall not oppose Mr. Fontaine's motion being put to the vote, but I have a right to ask for myself in what respect the motion presented in the third place modifies the point of view which we expressed on behalf of the workers' delegation. The workers' delegation has not expressed itself upon the substance of the question; it expressed itself upon the form, both on account of the discussion which had taken place yesterday afternoon and the decision which had been made as to the status of the question. We could just as well have voted upon the amendment proposed by the workers' delegation; I do not think that the workers' delegation will insist upon it, for among us there is no author's vanity. But we are desirous of calling attention, since it must be emphasized, to the fact that after all, after the explanations furnished by Mr. Fontaine, explanations which rounded out his resolution, it is understood that the general discussion which is about to begin will bear upon the 8-hour day and the 48-hour week considered as a maximum.

Now I wish to say a few words in reply to Mr. Guérin, if he will permit me to do so. Mr. Guérin said: "We are not here to make speeches for the public." Evidently, we are not here to make speeches, but we are not here either, Mr. Guérin, to withhold our thought and not to put into words the claims which we have to defend, the aspiration which we must set forth; and it is proper that in a conference like this, without exceeding the parliamentary limits, but remaining within the bounds of discussion, logic, and reason—I think we should be doing the workers an injustice in charging that they have overstepped the ground on which they were to stand—it is proper that the general discussion should lay bare those aspirations which pervade all the masses of workers. These aspirations constitute, as it were, a solid foundation to the arguments necessary



to make those who have not yet understood perceive that we are at the dawn of a new world which calls for better working conditions. Failure to accept this evidence is going contrary to progress and development; it would be a reversion.

The PRESIDENT. Baron Mayor des Planches, the Italian delegate.

Baron Mayor des PLANCHES (Italy). Ladies and gentlemen, we have before us a proposal supported by the Italian delegation for referring to a commission the motion of Mr. Barnes as amended by himself at Mr. Fontaine's request and also an amendment of Mr. Marjoribanks. To put an end to this prolonged discussion, I ask that the modified proposal of Mr. Barnes and the Marjoribanks amendment be referred to a commission for examination.

The PRESIDENT. The question recurs on the substitute offered by Mr. Jouhaux. Mr. Fontaine's motion is an amendment to Mr. Barnes's motion: Mr. Jouhaux's motion is a substitute for all. If Mr. Jouhaux's motion is adopted then that disposes of all of the questions before the house; if it is voted down the question would then recur upon the amendment offered by Mr. Parsons, which is a motion to divide the question before the house. When that is disposed of, then the question would recur upon the amendment that has been made by Mr. Fontaine. If Mr. Barnes's motion is still before the house, that being disposed of, then the question would recur upon the amendment offered by Mr. Marjoribanks. That, as I understand it, is the parliamentary status; and the question now recurs on the substitute offered by Mr. Jouhaux. Mr. Parsons, of the Canadian delegation.

Mr. PARSONS (Canada). Just to make a point clear, Mr. President, the motion which I offered yesterday was to meet difficulties in which we found ourselves then. You will remember that we were commencing to discuss the question of the eight-hour day, and it was uncertain as to whether we should continue that or not. Now, owing to the fact that we have been discussing that question, I think the motion which I made yesterday should be withdrawn.

The PRESIDENT. Without objection, the motion made by Mr. Parsons yesterday will be withdrawn.

While the Chair is not permitted to enter into discussions, may the Chair make the suggestion that as a result of your discussions to-day and the acceptance of an amendment by Mr. Barnes, the adoption of Mr. Barnes's motion as amended, and with the amendments accepted by him, really carried into effect the opportunity to present the things that are proposed by the employers, carries out the idea proposed by the employees, and if those amendments are therefore withdrawn, a direct motion can be had upon Mr. Barnes's motion amended?

Mr. GOMPERS (United States). How does that read?

The CLERK. The motion moved by Mr. Barnes, as amended on the proposal of M. Fontaine, reads as follows:

That the draft convention prepared by the organizing committee be adopted by the conference as the basis for discussion. But that the question of its application to the tropical and other countries referred to in the third paragraph of article 405 be referred in the first instance for consideration by a special committee which shall report to the conference.

A BELGIAN DELEGATE. I ask for the floor to speak on the status of the question.

Mr. GOMPERS (United States). If that proposal of Mr. Barnes is adopted it practically excludes the consideration by the committee of the 8-hour work day. The recommendation of the organizing committee, which I have seen for the first time this afternoon, makes this provision, and has for its basis the motion of Mr. Barnes, and I ask that it be read:

[The following extract was thereupon read:]

The organizing committee submit as a basis for the discussion of the subject by the conference the draft of a convention which is annexed to this chapter. The draft embodies the principle of the 48-hour week. The committee suggests the adoption of this principle rather than the principle of the 8-hour day, for two reasons.

In other words, if this motion is adopted, this conference goes on record as declaring for the 48-hour week in preference to the 8-hour

workday. I therefore suggest that the entire subject matter be referred to a committee with all of the proposals that have been made to this conference and also the report of the organizing committee.

The PRESIDENT. It has been moved by Mr. Gompers that this motion and all the amendments, with the report of the organizing committee, be referred to a commission for consideration. You have heard the motion.

Mr. SHAW (Great Britain). May I ask a question? Does that mean all the amendments that are now in or all the amendments that will be sent in?

Mr. ROWELL (Canada). I beg to second the motion of Mr. Gompers. It appears to me that it is only by a full consideration of all these proposals by a committee quietly and dispassionately that the conference will reach a wise and sane conclusion on this most important, but in some respects difficult, matter. I am glad to second the motion.

Mr. SHAW (Great Britain). I must oppose that resolution, Mr. Chairman, for these reasons: That there are many matters of detail that are in urgent need of alteration that have not been handled in these amendments by labor delegations. If Mr. Gompers's proposal is accepted we shall get the amendments of the employers and the convention. They will be handed over to the committee and all other things will be excluded, whilst the motion of M. Fontaine gives permission to any delegate whatever at any point in the convention to raise any point he desires, or the whole of the group which he represents desires. It gives us a chance of dealing with every portion of the convention.

The things that Mr. Gompers reads are not in the convention itself. The convention does not contain them. It is merely an opinion expressed by the committee that drew up the convention, and M. Fontaine has produced a way out of our difficulty, which will give the labor representatives in this conference a chance of raising the eight-hour question, which will give the employers a chance of raising everything they desire, and which will give the labor delegations a chance of raising any matter of detail they desire on the convention. As Mr. Gompers's proposal will absolutely cut out the labor delegation from sending any further amendments I oppose it. It is unnecessary and, from the labor point of view, highly undesirable. [Applause.]

Mr. GUERIN (France). But in our understanding it is the same thing.

The PRESIDENT. Mr. Gompers.

Mr. GOMPERS. Mr. Shaw wholly misunderstands my motion. I have moved that the entire subject matter, with all the proposals, now or hereafter made anywhere, no matter what, shall be taken cognizance of by the committee, which shall bring in a report.

Mr. SHAW. Yes; but I asked a question and I got no answer, so I had to speak.

The PRESIDENT. Mr. Kershaw.

Mr. KERSHAW (India). Mr. Chairman, before that question is put I should like to ask Mr. Gompers whether such a committee would examine the case of the eastern countries or whether a special commission would be set up for that purpose. It seems very desirable and I think there is no difference of opinion in this conference that the case of the eastern countries is quite separate and should be considered by a special committee.

Mr. GOMPERS. If I may answer before the translation is given, so that both may be translated at the same time, I will say that my thought is that there is a general consensus of opinion expressed here this afternoon that a committee should be appointed. Now, my object was that the committee should have the jurisdiction to discuss, to hear and determine, and to report everything in connection with it; and if that committee believes that a special committee should proceed to the investigation of the question in the Far East, it is within the province of that committee to so propose and of this convention to adopt. It may do anything.



Mr. KERSHAW (India). I submit, Mr. President, that the two problems are entirely different. The problems of the eastern countries are of a special nature and it seems very desirable that they should be dealt with by a special committee. It would shorten the work of the conference if that arrangement were adopted, and if Mr. Gompers's proposal should be adopted—that is, to remit the proposal to a committee—I suggest the question should be submitted to two committees, one to deal with the question in its relation to the western countries and the other to deal with the eastern countries.

The PRESIDENT. Mr. Carlier, of the Belgian delegation, is recognized.

Mr. CARLIER (Belgium). At any rate, Mr. Gompers was suggesting to us just now a visit to the Patent Office. Well, I should be glad to go with him to see if there is any kind of apparatus to shed a little light on our debate. It would be a very good thing.

What I wish to say is merely this: If you do not put it to a vote, Mr. President, so as to put in motion the matter of appointing a commission, it will be utterly impossible for you to get this proposal voted upon. We can not find out the sentiment of the assembly with regard to it. One must always in all representative parliamentary assemblies—and I have the honor to belong to some of them—begin with the most general aspect of a question, so as to be able to come to a debate on all the proposals in succession.

I will add just a word. In calling for the appointment of a commission we have not the least intention of offering any obstacles. On the contrary, our proposal was made in such a way that the work of the commission would be greatly shortened and the agreement which we desire would be quickly arrived at. I am convinced of one thing—and I am anxious to put it to the assembly—that is, if this commission were appointed, it would finish the work in less than two days.

That is why I take the liberty of insisting that priority be given, in conformity with parliamentary customs, to the proposal, made by the Swiss delegate and supported by the others.

Mr. JOUHAUX (France). I ask that the debate be closed. For two days we have been discussing the status of the question. Each time the question bounces up again. New interpretations constantly force us to a fresh discussion without our ever advancing one step toward the solution which we all declare we are aiming at. Well, let us put an end to it once for all. Yesterday we put the question on the mere putting of the question itself. The question of the appointment of commissions and all other interpretations can not come up until after this first point itself has been decided, and I ask therefore that this first point be settled.

We have, I repeat, brought in a resolution on this point. This resolution, I am certain, gave satisfaction to the great majority of the delegates here present. A fresh interpretation was brought up, which, according to Mr. Fontaine's statements, tended to the same purpose as the one we aimed at; that is to say, not to limit in any way the general discussion which will take place here. If, then, that is the spirit of Mr. Fontaine's resolution, I ask that this question be passed upon once for all, and that we may thereby commence the general discussion. [Applause.]

Mr. DRAPER (Canada). I move you that the debate do now close, if I have a seconder.

Mr. SHAW (Great Britain). I second the motion.

The PRESIDENT. It has been moved and seconded that debate do now close. As many as favor the motion to close debate—

Mr. CRAWFORD (South Africa). Mr. Chairman, if this motion is carried, does it mean that a vote will be taken?

The PRESIDENT. It means that there will be no further debate upon the questions before the house.

Mr. CRAWFORD (South Africa). But will you proceed to take a vote?

The PRESIDENT. Yes.

Mr. CRAWFORD (South Africa). I have been trying for some time, Mr. Chairman, to catch your eye.

I desire to move an adjournment. I think it very undesirable that a vote should be taken at this juncture for very many reasons, which I do not want to weary you with, by stating at the present moment.

I think it very desirable—I can give reasons—that this debate should be suspended and the session adjourned until to-morrow, and I beg to move accordingly if it is in order.

The PRESIDENT. What time to-morrow will you say?

Mr. CRAWFORD (South Africa). At 2.30.

MEMBERS. No.

Mr. CRAWFORD (South Africa). Or to-morrow morning, if the conference so desires. I do not care much about the time.

The PRESIDENT. The Chair hears no second to the motion.

The question is on the motion to close debate. As many as favor the motion to close debate will raise their hands and keep them raised until counted by the secretary.

[Votes counted.]

Now those opposed will raise their hands and keep them raised until counted.

It is carried unanimously.

The question now recurs upon the motion of Mr. Gompers to refer to a committee.

As many as favor the motion to refer to a committee will raise their right hands and keep them raised until counted.

[Votes counted.]

Mr. CRAWFORD (South Africa). Mr. Chairman—

The PRESIDENT. The Chair can not recognize the gentleman. Hands down. Those opposed to the motion to refer will raise their right hands and keep them raised until counted.

[Votes counted.]

Those in favor of the motion, 30; those opposed, 41. The motion to refer is lost, and the question now recurs on the substitute offered by Mr. Jouhaux.

The substitute of Mr. Jouhaux will be read for the information of the conference.

The CLERK (reading):

The draft convention concerning the 8-hour day and the 48-hour week regarded as maxima, as drawn up by the organizing committee, is adopted by the conference as a basis of discussion, but the question of applying this draft to tropical and other countries mentioned in the third paragraph of article 405 of the treaty shall first be referred for consideration to a special commission which shall report to the conference.

The PRESIDENT. You have heard the substitute. As many as favor the substitute offered by Mr. Jouhaux will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

There are 29 for and 36 against. The substitute is lost.

The question now recurs on the amendment offered by Mr. Marjoribanks.

The CLERK. The proposal that you are now asked to vote upon is that all proposals made or to be made on this subject be referred to a committee.

The PRESIDENT. There is a great deal more than that to Mr. Marjoribanks's proposition. Apparently Mr. Marjoribanks's proposition was identical with that of Mr. Gompers, from our records. The Chair did not so understand it. The Chair understood Mr. Marjoribanks's proposition to include a great many details that were not specified in Mr. Gompers's motion.

Mr. DRAPER (Canada). Including the submission of the case of the employers.

The PRESIDENT. Yes.

Mr. DRAPER (Canada). Exactly. That is what I understood it to be.

Mgr. NOLENS (Netherlands). There is still the Fontaine proposal.



The PRESIDENT. The question recurs on the amendments offered by Mr. Marjoribanks.

Mr. CRAWFORD (South Africa). Mr. Chairman, we would like to hear the amendment read again. We can not hear anything at this end of the hall.

The PRESIDENT. If that is all that there is to Mr. Majoribanks's proposition, it has already been passed upon, and the question would recur upon the motion made by Mr. Barnes, with the amendment made by Mr. Fontaine, which Mr. Barnes has accepted.

Mr. ROWELL (Canada). May we have the question read as amended?

The CLERK. The subject submitted to vote is as follows: That the draft convention prepared by the organizing committee be adopted by the conference as the basis for discussion, but the question of its application to tropical and other countries referred to in the third paragraph of article 405 of the treaty be referred, in the first instance, for consideration to a special committee, which shall report to the conference.

The PRESIDENT. Those in favor of the motion of Mr. Barnes as amended by Mr. Fontaine will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

The motion is agreed to. The Chair is ready to entertain a motion now relative to adjournment.

Mr. MERTENS (Belgium). I move we adjourn to 3 o'clock to-morrow afternoon.

The PRESIDENT. It is moved that the conference adjourn until 3 o'clock to-morrow afternoon. As many as favor adjourning until 3 o'clock to-morrow afternoon will raise their right hands and keep them raised until counted.

[Votes counted.]

Those opposed will raise their right hands. The conference is adjourned until 3 o'clock.

[Whereupon, at 6.50 o'clock p. m. an adjournment was taken to Thursday, November 6, 1919, at 3 o'clock p. m.]

The following delegates were present:

|   |                                   |
|---|-----------------------------------|
| Belgium:  | China:                            |
| Mr. Michel Lévie.   | Mr. Lingoh Wang.                  |
| Mr. Ernest Mahaim.  | Mr. Yung Kwai.                    |
| Mr. Jules Carlier.  |                                   |
| Mr. Corneille Mertens.                                      | Cuba:                             |
| Canada:   | Mr. Carlos Armenteros y Cardenas. |
| Mr. F. A. Acland (substitute for Hon. Gideon D. Robertson). | Mr. Francisco Carrera Justiz.     |
| Hon. Newton W. Rowell.                                      | Mr. Luis Rosainz y de los Reyes.  |
| Mr. S. R. Parsons.  | Czecho-Slovakia:                  |
| Mr. P. M. Draper.   | Mr. J. Sousek.                    |
| Chile:  | Mr. Charles Spinka.               |
| Mr. Gustavo Munizaga Varela.                                | Mr. R. Tayerle.                   |

|   |   |
|---|---|
| Denmark:  | Panama—Continued.   |
| Mr. S. Neuemann.  | Mr. Federico Calvo.   |
| Mr. C. V. Bramsnaes.  | Mr. Jose Antonio Zubietta.  |
| Mr. C. F. Madsen.   | Paraguay:   |
| Ecuador:  | Dr. Manuel Gondra.  |
| Dr. Don Rafael H. Elizalde.                                       | Persia:   |
| Dr. Don Juan Cueva Garcia.  | Mirza Abdul Ali Khan.   |
| France:   | Mirza Ali Asghar Kahn.  |
| Mr. Arthur Fontaine.  | Peru:   |
| Mr. Max Lazard.   | Mr. Carlos Prevost.   |
| Mr. Louis Guérin.   | Mr. Eduardo Higginson.  |
| Mr. Léon Jouhaux.   | Mr. Victor A. Pujazon.  |
| Great Britain:  | Mr. V. Gonzales.  |
| Right Hon. G. N. Barnes.  | Poland:   |
| Sir Malcolm Deleyingne.   | Mr. Franciszek Sokal.   |
| Mr. D. S. Marjoribanks.   | Mr. Jozef Rymer.  |
| Mr. Tom Shaw (substitute for Mr. G. H. Stuart-Bunning).           | Mr. Jan Zagleniczny.  |
| Greece:   | Mr. Edmund Bernatowicz.   |
| Mr. John Sofianopoulos.   | Portugal:   |
| Mr. Angelus Skinzopoulos.   | Mr. José Barbosa.   |
| Mr. Eugene Cantacuzène.   | Roumania:   |
| Guatemala:  | Mr. C. Orghidan.  |
| Mr. Francisco Sanchez Latour.                                     | Mr. Gregoire Michasco.  |
| Dr. Ramon Bengoechea.   | Salvador:   |
| Mr. Alfredo Palomo Rodriguez.                                     | Don Salvador Sol.   |
| Mr. Manuel Moreno.  | Siam:   |
| Haiti:  | Phya Prabha Karavongse.   |
| Mr. Charles Moravia.  | Phya Chanindr Bhakdi.   |
| India:  | Serbs, Croats, and Slovenes:  |
| Mr. Louis James Kershaw.  | Dr. Velimir N. Stoykovitch (substitute for Dr. Slavko Y. Grouitch). |
| Mr. Atul Chandra Chatterjee.                                      | South Africa:   |
| Mr. Alexander Robertson Murray.                                   | Mr. H. Warrington Smyth.  |
| Mr. Narayan Malhar Joshi.   | Mr. Archibald Crawford.   |
| Italy:  | Spain:  |
| Baron Mayor Des Planches.   | Viscount de Eza.  |
| Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cabrini). | Mr. Adolfo Gonzalez Posada.   |
| Comm. E. Baroni.  | Mr. Alfonso Sala.   |
| Mr. Gino Baldesi.   | Mr. Francisco Largo Caballero.                                      |
| Japan:  | Sweden:   |
| Mr. Eikichi Kamada.   | Dr. E. Gunnar Huss (substitute for Judge A. Friik M. Sjöborg).      |
| Dr. Minoru Oka.   | Senator R. G. Halfred von Koch.                                     |
| Mr. Sanji Muto.   | Senator Hjalmar von Sydow.  |
| Mr. Uhei Masumoto.  | Mr. A. Herman Lindqvist.  |
| Netherlands:  | Switzerland:  |
| Mgr. W. H. Nolens.  | Dr. Hans Sulzer.  |
| Mr. G. J. van Thienen.  | Dr. Hermann Rufenacht.  |
| Mr. J. A. E. Verkade.   | Mr. Dietrich Schindler.   |
| Mr. J. Oudegeest.   | Mr. Conrad Ilg.   |
| Nicaragua:  | Uruguay:  |
| Señor Don Ramon Enriquez.   | Dr. Jacobo Varela.  |
| Norway:   | United States of America:   |
| Judge Johan Castberg.   | Mr. Samuel Gompers.   |
| Judge I. M. Lund.   | Venezuela:  |
| Mr. G. Paus.  | Dr. Don Santos A. Dominici.   |
| Mr. J. Teigen (substitute for Mr. Ole Lian).                      | Mr. Nicolas Veloz.  |
| Panama:   |   |
| Mr. Andres Mojica.  |   |
| Mr. Jorge Luis Paredes.   |   |

## EIGHTH SESSION—THURSDAY, NOVEMBER 6, 1919.

The conference convened at 3.05 o'clock p. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. The secretary will read correspondence and make announcements.

The SECRETARY GENERAL. I have received this letter from the International Congress of Working Women:

SIR: I have the honor to transmit to you herewith a copy of the resolution passed by the International Congress of Working Women on child labor.

In behalf of the International Congress of Working Women it is my privilege to ask you to lay before the International Labor Conference of the League of Nations for their consideration and we hope favorable action, this expression of the views of the delegated representatives of the working women of 13 of the nations signatory to the League of Nations covenant.

The following are the resolutions:

### EMPLOYMENT OF CHILDREN.

(a) *Minimum age.*—No child shall be employed or permitted to work in any gainful occupation unless he is 16 years of age, has completed the elementary school, and has been found by a school physician or other medical officer especially appointed for that purpose to be of normal development for a child of his age and physically fit for the work at which he is to be employed.

No young person under 18 years of age shall be employed in or about a mine or quarry.

The legal workday for young persons between 16 and 18 years of age shall be shorter than the legal workday for adults.

(b) *During the night.*—No minor shall be employed between the hours of 6 p. m. and 7 a. m.

(c) *In unhealthy processes.*—Prohibition of the employment of minors in dangerous or hazardous occupations or at any work which will retard their proper physical development.



## ADMINISTRATION.

(1) *Work permits.*—A yearly medical inspection by medical officer appointed for that purpose by the authorities, records of which shall be kept.

(2) Lists of employed minors with their hours of work shall be posted in all work-rooms in which they are employed.

(3) The number of inspectors, and especially women inspectors, employed by the factory or labor commission shall be sufficient to insure regular inspection of all establishments in which children are employed and such special inspections and investigations as are necessary to insure the protection of the children.

We further recommend compulsory continuation schools for minors until the age of 18.

If there is no objection, I propose to transmit that letter and the resolutions to the committee on the employment of children.

The PRESIDENT. Without objection the communication will be referred to the commission dealing with the labor of children.

The SECRETARY GENERAL. The following provisional time schedule has been approved by the committee of selection. It is drawn up on the principle that the committees will consist largely of advisers, and that it will therefore be possible to have certain meetings of committees simultaneously with meetings of the conference. It will also be seen that the program leaves the hours from 9 to 11 a. m. free every day in order to allow the groups to hold their meetings between those hours. It should also be understood that the meetings of the committees are, of course, subject to alterations by the committees themselves if they can arrange meetings at times more convenient to their members; but if any alterations are made, I shall be glad to be informed beforehand, as any alterations will necessitate some readjustment of the allocation of rooms and so on.

This is the provisional time schedule drawn up:

## Monday:

11 a. m., committee on unemployment; committee on employment of women.  
2.30 p. m., full sitting of the conference.

## Tuesday:

11 a. m., committee on unemployment; committee on child labor.  
2.30 p. m., full sitting of the conference; committee on unhealthy processes.

## Wednesday:

11 a. m., committee on unhealthy processes; committee on women's employment  
2.30 p. m., committee on unemployment; committee on child labor.

## Thursday:

11 a. m., committee on women's employment; committee on child labor.  
2.30 p. m., full sitting of the conference; committee on unhealthy processes.

## Friday:

11 a. m., committee on unhealthy processes; committee on child labor.  
2.30 p. m., full sitting of the conference.

Saturday, 10.30 a. m., committee on employment of women; committee on unemployment.

The PRESIDENT. Without objection, the provisional time schedule submitted by the committee of selection will be adopted as the provisional time schedule of the conference.

I hear no objections, and it is so adopted.

The SECRETARY GENERAL. I have received from Dr. Royal Meeker, Commissioner of the Bureau of Labor Statistics of the United States Department of Labor, a number of copies of the *Monthly Labor Review*, which have been distributed to the delegates. He has also sent them an invitation to make full use of the library of the Department of Labor during their stay in Washington. With the approval of the conference I propose to write to him and to thank him very cordially for the documents which he has sent to the delegates and for the invitation which he has extended.

The PRESIDENT. May I add for the information of the delegates that the library referred to is one of the most complete libraries on labor and social questions in existence, and that the representatives are cordially invited to avail themselves of anything in the library. [Applause.]

The representative from Ecuador.

Dr. ELIZALDE (Ecuador). I suggest a motion to extend thanks to Dr. Meeker for this kind offer.

The PRESIDENT. It is moved that acknowledgments be made to Dr. Meeker and the thanks of the conference be extended for this kind offer. You have heard the motion.

As many as favor the motion will raise their right hands and keep them raised until counted.

[Votes counted.]

Those opposed.

It is agreed to unanimously.

Mr. Barnes, of the British delegation.

Mr. BARNES (Great Britain). Might I move another resolution expressive of our thanks? I want to move a resolution, ladies and gentlemen, expressive of our thanks and appreciation of what has been done for us. It may not be within the knowledge of all of you that there have been placed at our disposal for meetings certain rooms on the opposite side of the street in the new Navy Building; and rooms have also been allocated for the special use of individual delegates. I want now, if you will allow me, Mr. Chairman, to move a resolution, which reads as follows:

That the International Labor Conference and the delegates and other representatives assembled in Washington express their most cordial thanks to the Secretary of the Navy of the United States, the Hon. Josephus Daniels, for the courtesy extended by the Navy Department of the United States in providing the conference with offices and accommodation in the Navy Building.

I move that, Mr. Chairman, and commend it for favorable consideration of the meeting as a fitting and proper thing to do at this juncture. [Applause.]

The PRESIDENT. You have heard the motion. As many as favor the motion will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands and keep them raised until counted.

[None raised.]

Mr. JOUHAUX (France). I am anxious to point out to the conference the construction which the press yesterday put upon the vote taken by the conference. This interpretation is dangerous in that it will spread ideas not held by the conference, which would tend to create in the minds of the working classes an unfavorable opinion of the work carried on by this conference. The press yesterday interpreted our vote as a setback to the workers in the matter of the eight-hour day. Such is not the case. That is why I ask that we keep to an objective explanation when we are interpreting votes on questions which are vital to the masses of workers. [Applause.]

Baron Mayor des PLANCHES (Italy). I ask the floor.

The PRESIDENT. The Chair recognizes Baron Mayor des Planches.

Baron Maron Des PLANCHES (Italy). Mr. President, gentlemen, Mr. Jouhaux's observation is quite correct. This annoyance may happen again. I therefore ask if it would not be in order for the secretary general of this conference to issue a daily communique to the press after each open session, the only one with which the press is concerned, this communique to indicate the questions treated by the conference as well as the method of treatment accorded these questions. I make a formal motion to that effect.

Dr. GARCIA (Ecuador). I second the motion.

The PRESIDENT. Mr. Butler, the secretary general.

The SECRETARY GENERAL. I should like to say that arrangements are made by which the press receive a full report of the proceedings at the end of the sitting on the same day; therefore I do not think that there can be any doubt as to what actually passes on any particular day. Of course, if the conference so orders I shall be prepared to do my best to draw up an official communique, but that would not necessarily insure that it would be published or that no other interpretations would be put upon the proceedings.

The PRESIDENT. May the Chair be permitted to make a remark or two upon the matter? In all countries where a censorship of the press does not exist newspaper owners and editors are at perfect liberty to draw any deduction they please, either from the abundance of their ignorance or their knowledge of the situation [applause], and the exclusion of the press and giving them informa-



tion only through a statement issued by the secretary of the conference would not prevent their drawing any kind of deductions they pleased and writing any kind of headlines that occurred to them. That is the kind of a situation that we find ourselves in, in this country, and no one is responsible for any statement that occurs in any paper except the person who wrote it, the proprietors of the paper, and the editorial management. All the rest of us refuse to accept responsibility for anything that is printed in our daily press. [Applause.]

The question is on the motion of Baron Mayor des Planches that the secretary prepare a statement at the close of each session for presentation to the press.

Mr. ROWELL (Canada). I beg to submit to the members of the conference that there would be no practical gain in adopting the course proposed. I submit the president of the conference has stated to us in very clear and unmistakable language the position of the press in this and I think in all other Anglo-Saxon countries. I do not know what the position may be in some of the other countries here represented. The press are present under the provisions of the rules of the conference. The standing orders provide that the sessions of the conference shall be open to the press, as I recall the provisions of the standing orders. Therefore, unless we change our standing orders, which I submit would be most inadvisable, we have no right to exclude the press from the gathering. Thus I submit, Mr. President, that the press being present at the conference, in a position to hear all that takes place, and having a verbatim report of the proceedings of the conference submitted to them at the close of the day, are as fully informed in reference to the proceedings of the conference as they can possibly be. It would neither add to their information nor to their ability to present a report to their readers to have a further official report prepared by the secretary and communicated to them. I would venture to suggest that the motion should not be pressed at the conference.

Mr. GARCIA (Ecuador). Mr. President.

The PRESIDENT. The delegate from Ecuador.

Mr. GARCIA (Ecuador). On the question that is before the conference I want to say that I come from the freest country in the world, without exception. I come from a country where the press can say anything that the press wishes; a country where no journalist has ever been imprisoned or fined or anything of that kind on account of anything that he cared to say. I have been born in an atmosphere of freedom—of absolute freedom. I have never seconded a motion that had the intention of suppressing the press.

To my understanding the motion of Baron Mayor des Planches had the purpose of providing the press with information, for I at least was not informed that the press had the reports of the conference half an hour after the meeting adjourned. It is wonderful. I admire the secretary for it, but it was not within my knowledge.

Of course, the press says what it pleases. The journalists that are on the side of the employers will help them and say what is in their favor, and the journalists on the side of the employees will say things in their favor. As the Chair has said, it is impossible to stop the press, and the only way to gain freedom, to develop civilization, is by helping the press and let them say and do what they please. The idea has been only and exclusively to help them, to give them the best information that we could. I have no objection, if the secretariat provides them with the full information at the end of every meeting, to have the motion of Baron Mayor des Planches withdrawn, if he feels the same way I do, not to ask for the communiqué that he has demanded.

The PRESIDENT. The Chair is advised that Baron Mayor des Planches does not, in view of the statement made by the Chair, desire to press the motion and will withdraw it. Without objection, that is done.

The report of the committee on credentials.

Sir MALCOLM DELEVINGNE (Great Britain). I will take a very few seconds of the time of the conference. The committee has

completed its reports except in regard to one matter, on which they have not yet been able to obtain the necessary information and on which they would have to present a supplementary report. The committee, which was composed of one representative of the Government delegates, one representative of the employers' delegates, and one representative of the workers' delegates, has happily been able to present a unanimous report. That report has been printed and was circulated among the members of the conference yesterday. I therefore propose simply to content myself with moving the adoption of the report of the committee on credentials.

The PRESIDENT. Mr. Mertens, of the Belgian delegation.

Mr. MERTENS (Belgium). Mr. President, I have been instructed to present to you here, on the occasion of the report made by the committee on credentials, the point of view of the workers regarding the admission of the Japanese delegate to the conference.

First of all I must state that the workers decided unanimously not to oppose the admission of the Japanese delegates. We insist, however, that the method by which this delegate was selected is not in conformity either with the peace treaty or with the right of organization. This right is recognized the whole world over, and its recognition is demonstrated by the official presence at this conference of workers' delegates, of delegates of trade-union organizations who sit here with the same rights as Government and employers' delegates. We wish to protest energetically against the action of the Japanese Government in preventing the workers of Japan from organizing themselves into associations and from improving their lot by such organization. For this reason we decided to submit the following protest, in the name of the workers:

The workers' delegations to the international conference at Washington having noticed the absence of the official workers' delegation for Japan, and considering that this absence is caused in consequence of the prohibition in Japan of the free exercise of the right of organization, and also considering that such policy is contrary to democratic ideas and in opposition to the fundamental spirit of the International Labor Conference, urge that the conference make representation to the Japanese Government, so that in Japan, as in all countries forming a part of the League of Nations, the unrestricted exercise of the right of organization should be scrupulously acknowledged and respected.

The PRESIDENT. As the Chair understands Mr. Mertens, he is submitting on behalf of the labor representatives a protest with regard to the methods pursued by the Japanese Government in selecting the labor representative, and he submits a resolution adopted by the labor representatives, but does not present that resolution as a resolution before this conference.

Mr. MERTENS (Belgium). Yes, before this conference. I entered a protest the other day, in the name of the entire workers' delegation, and I simply wish the conference to act thereon, so that progress may be made in the direction of the desires of the workers.

The PRESIDENT. The question then recurs on the motion of Sir Malcolm Delevingne to adopt the report of the committee on credentials, and I may add in that connection that the statement and resolution presented by Mr. Mertens will be recorded. The question is on the motion by Sir Malcolm Delevingne.

Mr. BARNES (Great Britain). Just one moment, Mr. Chairman. Do I understand the statement made by our friend will be recorded, but not necessarily recorded as the finding of the conference? If it is to be so, I want to say a word or two on that.

The PRESIDENT. There will be nothing recorded as the finding of this conference that has not been accepted by the conference as its finding.

Mr. OUDEGEEST (Netherlands). Mr. President—

The PRESIDENT. May I get this matter cleared up first, if the delegate will permit? Just a moment. As I understand the situation the labor representative from Belgium, on behalf of the labor delegates in the conference, makes a protest against the manner in which the labor delegate from Japan was selected, and presents to the conference for its information a resolution adopted by the labor representatives to the conference. The statement made by Mr. Mertens and the resolutions adopted by the labor



representatives in the conference will go into the record as a part of the proceedings of the record; but I shall not submit it at the present time for the purpose of having a vote of the conference upon it.

The question now recurs on the motion of Sir Malcolm Delevingne. The delegate in the rear wanted the floor. The question is on the motion of Sir Malcolm Delevingne to adopt the report of the committee on credentials. As many as are in favor will raise their right hands and keep them raised until counted.

[Hands raised.]

Down. Those opposed will raise their right hands and keep them raised until counted.

It is agreed to unanimously.

The next order of business is the general discussion of the recommendations of the organizing committee on the first item of the agenda of the conference, the 8-hour day and the 48-hour week.

Mr. Gino Baldesi, of the Italian delegation is recognized.

Mr. BALDESI (Italy—remarks in Italian): The conference has at last gotten down to the discussion of the main point on its program, the 8-hour day or the 48-hour week. This is no new question. For 50 years past it has been the subject of a whole library of printed matter which has discussed the question from the hygienic, from the social, from the industrial, and from the economic standpoint.

There has already been presented a series of counter proposals from the employers' delegates. I believe that those proposals will receive here an honorable sepulcher or funeral. They contain an effort to withdraw from the workers certain principles that have already been accepted; they follow lines that have already been disapproved. I am of the opinion that we can say of them what has been said of some music, that it contains some things new and some things good, but that what is new is not good and what is good is not new. [Laughter.]

The question has been raised: Shall it be an 8-hour day or a 48-hour week? To that the workers reply: An 8-hour day and a 48-hour week.

The employers raise the question of underproduction. Now, it can be asked, in the first place: Will the eight-hour day result in underproduction? Is it not a fact that eight hours' work a day under proper conditions yields as much product as longer hours under other conditions? And then, let us look at the question from another point of view. Except for economic crisis created by the war, was the world suffering from a crisis of underproduction? Is industry in normal times suffering from underproduction? We have heard in the past much more of crises of overproduction than of underproduction.

As a workers' delegate, I am in favor of increasing production. I am in favor of increasing production not in order to increase the wealth of those who control industry but because I believe that increased production stimulates the power of consumption of the worker and gradually raises his standard of life and assures him a better life.

But even if there were to be some slight reduction in production as a result of a universal eight-hour day, I would like to ask this other question: What, from the social viewpoint, the viewpoint of civilization, is the difference between the effects of an eight-hour day and an excessively long working day on the social conditions of the workers and on civilization? He would like only to quote from an English economist, Mr. Crosfield, who said that what distinguishes the two systems is the same as the difference distinguishing barbarism from civilization.

I do not believe that there will be any serious opposition in this assembly to the proposed general introduction of the eight-hour day as the normal working day for the laborer. The question, then, is the 8-hour day and the 48-hour week. I do not believe that the need for a weekly day of rest can be discussed at the very moment when proposals are being introduced in this International Labor

Conference by the employers which would militate against the weekly day of rest for the workers and at a time when the International Congress of Working Women assembled in this city has passed a resolution in favor of a 44-hour week.

The employers point out the difficulty of granting a weekly day of rest—

Mr. CARLIER (Belgium) (interrupting). No! No!

[Energetic protests in Italian by Mr. Baldesi, not translated.]

Mr. BALDESI (Italy—remarks in Italian, continuing)—in certain industries where work is continuous. I am the first to admit that there are difficulties, but I do not think that they are those difficulties which are brought forward in the proposals submitted here by the delegate from Great Britain.

In the continuous industries there must be not only the three shifts required for the eight-hour day, but there must be a fourth shift to make it possible to grant a weekly day of rest. At the very moment when the difficulty of forming a fourth shift is brought forward an objection is made that there is not sufficient labor capable of performing that work in order to make that fourth shift. At the same time the graphic tables that are available on the statistics of unemployment show that there is a growing mass of unemployed labor in all these countries.

Among the industries which are mentioned under article 4 of the report submitted to this conference for exemption from the weekly day of rest are the metal industries, the steel industry, the chemical industries, and the electrical industries. Now, I submit that it is a well-known fact that in the hydro-electrical industries, and in the electrical industries in general, only a small number of people are required in order to form that fourth shift which is necessary for securing the day of rest. In the chemical industries the laborers required are mostly unskilled, and can be easily obtained. In the steel industries, it is possible with a little good will, by employing the partly skilled, and by arranging the turns with the use of substitutes, to find this fourth shift for the day of rest.

Therefore, there is no very great difficulty in this matter of securing the 48-hour week for all these industries and I speak from practical experience. I maintain that the date proposed in the report for introducing the 8-hour day and 48-hour week, the 1st of July, 1921, is a postponement to a degree that is unnecessary. In Italy in February an arrangement was made between the workers and the employers in the steel industry whereby they were to give the 48-hour week to their workers beginning from the 1st of August. As a matter of fact, gentlemen, they were able to start the 48-hour week on the 1st of May.

I do not wish unduly to take up the time of this conference where it is desirable that all express their ideas. But I believe that this conference will not oppose the recognition of the 8-hour day and the 48-hour week for the workers, and I further believe that all the delegates present will work to see that these rights of labor are recognized.

The PRESIDENT. Mr. Barnes, of Great Britain.

Mr. BARNES (Great Britain). Might I raise a point of order, sir, and ask for your guidance? Yesterday the conference adopted a resolution which contained two principles: First, that we should accept the draft convention prepared for us by the organizing committee, with the elimination of the words about the 48-hour week; and, second, that we should set up a committee to deal with those special countries that required special treatment. Now, I don't want to say a word about the latter. I suppose that is a matter for the committee of selection, to set up the committee. That will be done in due course.

I want now, Mr. Chairman, to ask your ruling about the first part. That first part commits the conference to the acceptance of the draft convention as prepared for us as a basis of discussion. We have had discussion for the last two days, and it occurs to me that it is time that we were focusing the discussion upon some special points at a particular time.



Of course, I do not wish, Mr. Chairman, in any way to encroach upon your functions. I am only asking for information. It does seem to me that we have gone beyond the time for general talk in the course of which in any one speech one speaker can deal with the date at which the convention shall go into operation, the question of a Saturday half holiday, or the question of continuous shifts, and, generally speaking, of anything within or without the four walls of this convention.

Might I suggest that we have your ruling as to whether or not we could fix a time limit beyond which we should not indulge in general discussion but should focus the attention of the conference on some particular points? For instance, the convention head admits of an amendment here proposed which raises the question which has more than once or twice been mentioned during the course of the general discussion; that is, the question as to whether we should have a convention embodying the principle of a 48-hour week or, on the other hand, whether the convention should be one of an 8-hour day, carrying with it a 44-hour week if you are going to have a Saturday half holiday.

I would suggest, Mr. Chairman, that, at your discretion and as soon as possible, we should invite amendments. The first amendment, it seems to me, should be to substitute the words "an 8-hour day, having 48 hours in the week." That I think, at all events, would focus attention on one particular point. I know that by your standing orders, Mr. Chairman, you can not submit an amendment until it has been circulated in conference, but might I suggest that you might ask the conference to agree—if you like to-morrow morning or somewhat a little later—that amendments should be taken and by that time that all amendments on the first clause of the convention should be in your hands?

The PRESIDENT. Part XIII, the labor part of the peace treaty, states in the preamble the following:

Whereas conditions of labor exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperiled; and an improvement of those conditions is urgently required, as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week \* \* \*.

The agenda, provided in the same part for the consideration of this conference, includes the application of the principle of the 8-hour day or the 48-hour week.

An organizing committee was created for the purpose of assisting in the preparation of the data in connection with the various items of the agenda. That organizing committee reported, recommending or suggesting a draft of a convention to limit the hours of work in industrial undertakings to 48 in the week. A motion was made by the Right Hon. Mr. Barnes that this draft of the convention be taken as the basis of discussion. The Chair takes the position that the adoption of that motion brings the draft of the convention presented by the organizing committee before the conference exactly in the same manner as if the subject matter had been submitted to a committee created by this conference and the committee had reported back, that the subject matter of the report of that committee would be subject to amendment as long as the amendments were in conformity with the language of the treaty of peace itself and the language of the agenda.

In other words, as long as the proposed amendment was germane to the subject, such amendment would be in order before the conference. Coming before the conference in the same manner as the report from a committee would come, it would then be subject to general debate, but that the general debate must itself be germane to the particular part of the agenda under consideration. In other words, it must be germane to the 8-hour day or the 48-hour week or both. Any discussion while this part of the agenda is under consideration that is not germane to these things would not be in order. After the general discussion is over, the report would then be read item by item, and at that stage each item as it was reached would be subject to amendment, amendments germane to the particular item under consideration. The Chair has no power under the rules to name the time at which general debates will cease, but

the conference itself has the power to name that time and the time when it will proceed to consider the report, item by item.

Mr. PARSONS (Canada). Mr. President, I understand that by your ruling, which I quite agree with, that we are now at liberty to continue the discussion on the eight-hour day?

The PRESIDENT. That is the understanding, and the Chair was about to recognize the representative from Czecho-Slovakia. Mr. Tayerle, of the Czecho-Slovakia delegation.

Mr. TAYERLE (Czecho-Slovakia). We whose mother tongue is not the official language of the conference are naturally in a rather more difficult position than others. It is obviously impossible for all languages to be recognized here. We have assembled to solve questions which should unite and not divide the nations. For this reason I will be content to make only what I consider the most essential remarks, in order not to delay the work of the conference. I will make these remarks in French and beg to be forgiven for any grammatical errors.

Ladies and gentlemen, one of the most important points in the agenda of this assembly is the eight-hour day and its universal application. I do not believe that anyone will dispute the absolute necessity for the international application of this reform once it is introduced. But there will probably be a difference of opinion as to the draft itself which has been submitted to us.

It is stated therein that the eight-hour day should apply to industry only, exclusive of several exceptions based on the economic and climatic conditions of different countries. Without taking these exceptions into account, as they are, after all, only matters of detail, I can not overlook the fact that this draft contains nothing relating to the application of the eight-hour day to commerce and agriculture. I am convinced that the same principle can well be applied to these branches of activity, even allowing for the restrictions regarding the difference in industrial and technical conditions. The protection of the workers is exceedingly important for the economic and moral development of nations. The application of a fixed length for the working day must be universal, in order to protect such countries as have already recognized these claims by progressive legislation. It would not be upholding the ideals of the League of Nations, if for any reason whatever, we allowed countries in which legislation is farthest advanced to suffer from the competition of industries which have entire freedom in the employment of labor.

I realize perfectly that the solution of this problem, as well as the solution of any other problems, must be subject to existing economic and social conditions. Real progress depends on having agreement between the parties concerned, i. e., the employers and employees. Assistance by national legislation is necessary to that end, however. Consequently we should uphold the different countries in their efforts in that direction.

I maintain that a proposal which aims to extend the scope of the draft of the organizing committee is in no wise revolutionary in character. In my country the eight-hour day has been officially and unanimously recognized by the National Assembly, not only for industry but also for commerce and agriculture, as I have already stated. On that occasion the representatives of the agricultural employers in the National Assembly made a formal statement to the effect that they desired the same law to apply to agriculture that applied to industry. They gave as their reason for this the fact that workmen were leaving the country for the city, where better social conditions obtained.

In my country the eight or nine hour day for industry was recognized in collective bargaining before it was confirmed by law. Thus the working day was decreased by law from 11 to 8 hours, a reduction of 3 hours, but as a matter of fact, in eighty cases out of every hundred it was decreased only an hour or an hour and a half.

The law to which I have reference has been in effect in our country for one year; but there has been no serious objection, nor opposition worth the trouble of mentioning. I beg you not to forget that we are talking about a newly created State whose economic situation is



highly precarious. The Czech countries were systematically ignored by the old Austrian Government. Everything that goes to make up our economic and commercial life had been organized by Austria in such a way as to injure the interests of the Czech nation, and she succeeded so well that to-day in many cases everything has to be made over.

Do not think that workingmen are not thoroughly cognizant of the requirements of this epoch. To be sure we are unable to prevent conflicts—which explains the suffering experienced during five years of war. But I think I may say that these contests have never had the bitterness observed in countries where the economic situation was much better, countries which were much less exhausted by the war. That fact is chiefly due to the adoption of the eight-hour day by the employers as necessary and as justly due the working class by society.

Ladies and gentlemen, look throughout the whole world and you will find the social condition of the Czecho-Slovak Republic to be the most perfect of any country, in spite of the war. That is because it tries through legislation to give necessary protection to workingmen, and thereby to establish a basis for mutual and fair agreement between capital and labor. The eight-hour day is only one of the results of this policy through which our State wishes to insure not only political freedom, but also economic freedom, to the working class.

We are not ignorant of the fact that there must be certain exceptions. I beg you to consider how we have dealt with these exceptions in our laws. Our law not only permits a choice, according to the exigencies of the occasion, between the 8-hour day and the 48-hour week, but also facilitates the measurement of working time by periods of four weeks, in such a way that it is possible to apply it to industries of transport and to agriculture, according to the type of the production and the nature of the climate.

For exceptional requirements recourse has been had to overtime. In this case a distinction is made between overtime necessitated by some catastrophe or accident, and that made obligatory by the season or by other urgent economic reasons. In this same law a distinction is made between so-called preliminary work and continuous work, i. e., work in which the change from the day to the night shift and vice versa requires a longer day than that corresponding to a 48-hour week. It is not necessary to enumerate the different reasons for the existence of this law. The chief reason is the advantages that have been obtained since it went into effect 10 months ago.

This position is strengthened by the evidence that is given here on this question, considering it as an international problem. And it must be considered in such a light. It is in the interest of progress for the principle of this measure to be universally adopted; and the application of this principle according to their climatic and economic conditions may be left to the different countries. The organization which should result from this conference will have to see to it that these different methods of application do not destroy the principle itself, conservation of which is essential.

After these few remarks, I take the liberty of recommending, in agreement with the Government delegates, that the Czecho-Slovak law on the eight-hour day be adopted as the basis for international application. I therefore move that the draft of the organizing committee be modified by substituting the following in the last paragraph:

That the principle of the eight-hour day be also applied to commerce and agriculture; and that the application of this principle be left to the different States according to their respective productive strength.

The PRESIDENT. May I call the attention of the conference to a situation which we will undoubtedly be frequently confronted with, and that is the difficulty of thinking in one language, writing in another with which we are not very familiar, and then having that writing translated into a third language. I feel that many of the members of the conference will appreciate the difficulties under which the representative from Czecho-Slovakia is laboring.

Mr. von Koch, of the Swedish delegation.

Senator VON KOCH (Sweden). Speaking as a representative of the Swedish Government, I should like first to state that the Swedish

Parliament adopted, about a month ago, an eight-hour day law which will be effective on the 1st day of January, 1920, with the exception only of day and night work, for which work the eight-hour day law will be applied on July 1, 1920.

Having so recently adopted the law, the report of the organizing committee does not include the provisions of the law. You will, perhaps, allow me to give, in a few words, the outline of the law. This law is based upon the same principles as the draft convention before the conference, but it shows, in certain respects, considerable differences. I may mention a few of the more important ones, at the same time suggesting some modifications in the convention.

The Swedish law provides for the principle of 48 hours a week as well as for 8 hours a day. It is, however, permissible to work 8½ hours during the first five days of the week, thus making the sixth day only a half day.

I would suggest that this provision be used as a sort of compromise between the two different principles—the 48-hour week and the 8-hour day. Certain industries are exempted from the said law, namely, industries employing not more than four workers, and industrial home work. On the other hand, the law covers several other branches of work not mentioned in the draft convention, as, for instance, the manufacture of peat, the cutting and transporting of ice for domestic use, etc.

With regard to industries necessitating continuous work during the seven days of the week, the Swedish law has more stringent rules than those proposed in the convention, exemptions from the 48-hour rule being granted only by permission of a special labor council. The reason for this is that exceptions should be granted only when found absolutely necessary, and, furthermore, because it is intended by this procedure that the disadvantages of the seven-day week should be offset by the council providing for special working conditions.

In the list of industries annexed to the draft of the convention, as industries which may be subject to exceptions, certain very important industries are not included, such as work in wood pulp mills, sugar factories, brick and porcelain factories, peat and charcoal burning.

With regard to certain preparatory work, this is reckoned in Sweden as overtime work and is limited to 10 hours a month. Compared with the convention, the Swedish law is strict on this point.

As to overtime work, the Swedish law does not discriminate in regard to different occupations, because it is very difficult to decide in what industries overtime work is needed.

In the Swedish law overtime work is limited not only per year, but also per month, a regulation that seems useful from a hygienic point of view. Overtime is limited to 150 hours a year, but by special authorization 75 hours can be added. Only adult workers are allowed to do overtime work.

Some very distinct provisions are made in the Swedish law for exceptions, but these can not be put into practice without the consent of a labor council especially elected for the purpose, and consisting of workers as well as of employers and also of impartial persons appointed by the Government. Exceptions can also be made when required by the Government. Also it may be possible to defer action of the law for certain concerns, if this be found necessary. Great care is taken, however, that these exceptions should not be abused, thus in any way lessening the effect of the law.

You will realize from what I have said, Mr. President, that some differences exist between the Swedish law and the draft convention, but these differences are not so important as to shut us out from an international convention based upon the principal lines brought before this conference. We hope that a positive result will be attained by the conference, and we also hope that it will be of such a character as to assure strict enforcement of the convention. We at least intend strictly to enforce our law. It would be useless to have a convention that would leave large discretionary powers in the matter of allowing exceptions to each State as it might see fit. Of course, it will not be possible now to arrive at conclusions in a good many important details, but these



could be taken up with the International Labor Office for decision at a later date.

In conclusion, I might state that several countries, like Sweden, already have adopted an eight-hour day law and for that reason may find some difficulty in approving the convention in all its details. On the other hand, we are—at least I can say so of Sweden—very anxious that this conference shall reach a definite result in this particular by adopting a convention that will make the eight-hour day practically universal.

The PRESIDENT. Judge Castberg, of the Norwegian delegation.

Judge CASTBERG (Norway). The Norwegian delegates fully recognize the detailed and broad-minded way in which the organizing committee has gone into this question. If we shall succeed in uniting this conference on a draft convention conceived in the same spirit, this, the first international conference after the war, will have done a great work and taken a substantial step toward social justice and international peace. What lies behind this conference on this important point of the agenda is not only the treaty of peace but also the fact that a great many countries, by establishing laws which stipulate an 8-hour day or a 48-hour week, have already anticipated the present conference. Norway belongs to this group of countries, through its law of July, 1919. Years prior to that time Norway had enacted a law fixing uniform working-days for adult workers, men as well as women, the ordinary time of work not to exceed 56 hours a week for workers in handicraft and industries. Through the introduction of extra shifts this limitation was in fact also applied in continuous processes. By the law of July, 1919, Norway has now established a 48-hour week, and not exceeding an 8½-hour day, in workshops and factories, in building and construction work, storage and warehousing, yards, steamship offices, etc. The 48-hour week had already been introduced in practice through agreement between employers and workmen before the law of 1919 was enacted. Opinion in Norway was so strong and united on this question that the law just mentioned was adopted in the Norwegian Parliament by a unanimous vote.

A series of important questions arises in connection with the application of the principle: first, the question which has now been discussed. Would it be preferable to have an 8-hour day with a shorter time of work on Saturday, which would mean a shorter working week than 48 hours? About this question I will only say that it appears to me that this question of application should be left to the decision of each country, and that the international agreement should confine itself to establishing an 8-hour day or a 48-hour week as the ordinary maximum time of work; but that the workday time must not exceed 8½ hours within this weekly limit of 48 hours a week. At this conference I think that would be the most practicable, and then it would also be in conformity with the new law of my country.

Mr. Chairman, I would have liked to go into the problem and its main points at large, especially the question of continuous labor and overtime. As the general discussion has already lasted a considerable time, and according to my opinion it will be better to come to the main points separately as soon as possible, I now only sum up the Norwegian Government delegates' opinion of the other most important points of the draft convention in this way: The Government delegates from Norway are in agreement with the draft convention report of the organizing committee, with some reservations according to the Norwegian law.

First. The 48-hour week should be applied also to workmen employed in processes which must be carried on continuously by a succession of shifts, by introducing extra shifts.

Second. Work performed outside the ordinary period of work in processes enumerated in schedule B should be considered as overtime in so far as the hours of work for workmen in such processes exceed 8 a day or 48 a week.

Third. The right to require overtime work ought to be more limited than proposed in the draft convention, section 6-A, under schedule C, for instance, chiefly along the lines laid down by the Norwegian law. I will not go into the details of that now.

Fourth. The number of permissible overtime hours ought to be limited not only as regards the entire year, but also for shorter

periods; for instance, for each calendar month or for each consecutive four weeks.

Fifth. Payment for overtime work ought to be stipulated at a minimum rate higher by at least 50 per cent than the normal rate of pay.

For the reasons I just mentioned I will not, at this moment, go into fuller details of the question.

The PRESIDENT. The hour of adjournment having arrived, the conference will stand adjourned until 2.30 o'clock to-morrow afternoon.

[Whereupon, at 6.05 o'clock p. m., an adjournment was taken to Friday, November 7, 1919, at 2.30 o'clock p. m.]

The following delegates were present:

|                                      |                                     |
|--------------------------------------|-------------------------------------|
| Argentina:                           | Netherlands:                        |
| Dr. Felipe Espil.                    | Mgr. W. H. Nolens.                  |
| Belgium:                             | Mr. G. J. van Thienen.              |
| Mr. Michel Lévie.                    | Mr. J. A. E. Verkade.               |
| Mr. Ernest Mahaim.                   | Mr. Jan Oudegeest.                  |
| Mr. Jules Carlier.                   | Nicaragua:                          |
| Mr. Corneille Mertens.               | Señor Don Ramon Enriquez.           |
| Canada:                              | Norway:                             |
| Mr. F. A. Acland (substitute for     | Judge Johan Castberg.               |
| Hon. Gideon D. Robertson).           | Judge I. M. Lund.                   |
| Hon. Newton W. Rowell.               | Mr. G. Paus.                        |
| Mr. S. R. Parsons.                   | Mr. J. Teigen (substitute for Mr.   |
| Mr. P. M. Draper.                    | Ole Lian).                          |
| Chile:                               | Panama:                             |
| Mr. Gustavo Munizaga Varela.         | Mr. Andres Mojica.                  |
| China:                               | Mr. Jorge Luis Paredes.             |
| Mr. Lingoh Wang.                     | Mr. Federico Calvo.                 |
| Colombia:                            | Mr. Jose Antonio Zubieta.           |
| Dr. Carlos Adolfo Urueta.            | Paraguay:                           |
| Cuba:                                | Dr. Manuel Gondra.                  |
| Mr. Carlos Armenteros y Cardenas.    | Persia:                             |
| Mr. Francisco Carrera Justiz.        | Mirza Abdul Ali Khan.               |
| Mr. Luis Rosainzy de los Reyes.      | Mirza Ali Ashghai Khan.             |
| Czecho-Slovakia:                     | Peru:                               |
| Mr. F. Hodacz.                       | Mr. Carlos Prevost.                 |
| Mr. R. Tayerle.                      | Mr. Eduardo Hlggins.                |
| Denmark:                             | Mr. Vicente Gonzalez.               |
| Mr. S. Neumann.                      | Mr. Victor A. Pujazon.              |
| Mr. C. V. Bramsnaes.                 | Poland:                             |
| Mr. C. F. Madsen.                    | Mr. Franciszek Sokal.               |
| Ecuador:                             | Mr. Jozef Rymel.                    |
| Dr. Don Rafael H. Elizalde.          | Mr. Jan Zaglenczny.                 |
| Dr. Don Juan Cueva Garcia.           | Mr. Edmund Bernatowicz.             |
| France:                              | Portugal:                           |
| Mr. Arthur Fontaine.                 | Mr. José Barbosa.                   |
| Mr. Max Lazard.                      | Roumania:                           |
| Mr. Louis Guérin.                    | Mr. C. Orghidar.                    |
| Mr. Léon Jouhaux.                    | Mr. Gregoire Michaelesco.           |
| Great Britain:                       | Salvador:                           |
| Right Hon. G. N. Barnes.             | Don Salvador Sol.                   |
| Sir Malcolm Delevingne.              | Serbs, Croats, and Slovenes:        |
| Mr. D. S. Marjoribanks.              | Dr. Velimir Stoykovitch (substitute |
| Mr. G. H. Stuart-Bunning.            | for Dr. Slavko Y. Groultch).        |
| Greece:                              | Slam:                               |
| Mr. John Sofianopoulos.              | Phya Prabha Karavongse.             |
| Mr. Angelus Skinzopoulos.            | Phya Chanindr Bhakdi.               |
| Mr. Eugene Cantacuzene.              | South Africa:                       |
| Guatemala:                           | Mr. H. Warrington Smyth.            |
| Mr. Francisco Sanchez Latour.        | Mr. Archibald Crawford.             |
| Dr. Ramon Bengoechea.                | Spain:                              |
| Mr. Alfredo Palomo Rodriguez.        | Vlscout de Eza.                     |
| Mr. Manuel Moreno.                   | Mr. Adolfo Gonzalez Posada.         |
| Haiti:                               | Mr. Alfonso Sala.                   |
| Mr. Charles Moravia.                 | Mr. Francisco Largo Caballero.      |
| India:                               | Sweden:                             |
| Mr. Louis James Kershaw.             | Dr. E. Gunnar Huss (substitute for  |
| Mr. Atul Chandra Chatterjee.         | Judge A. Erik M. Sjöborg).          |
| Mr. Alexander Robertson Murray.      | Senator R. G. Halfred von Koch.     |
| Mr. Narayan Malhar Joshi.            | Senator Hjalmar von Sydow.          |
| Italy:                               | Mr. A. Herman Lindqvist.            |
| Baron Mayor Des Planches.            | Switzerland:                        |
| Dr. G. di Palma Castiglione (substi- | Dr. Hans Sulzer.                    |
| tute for Mr. Angiolo Cabrini).       | Mr. Dietrich Schindler.             |
| Comm. E. Baroni.                     | Mr. Conrad Ilg.                     |
| Mr. Gino Baldesi.                    | Uruguay:                            |
| Japan:                               | Dr. Jacobo Varela.                  |
| Mr. Elkichi Kamada.                  | Venezuela:                          |
| Dr. Minoru Oka.                      | Dr. Don Santos A. Dominid.          |
| Mr. Sanji Muto.                      | Mr. Nicolas Veloz.                  |
| Mr. Uhei Masumoto.                   |                                     |



## NINTH SESSION—FRIDAY, NOVEMBER 7, 1919.

The conference convened at 2.35 o'clock p. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. The Secretary will read correspondence and make announcements.

The SECRETARY GENERAL. The only point I want to mention is that of seating. As you see, the seating arrangements have been entirely altered with a view to overcoming, if possible, the difficulties which were experienced by some of the delegates seated at the farthest end of the room. The rearrangement is experimental, and I should be glad to have expressions of opinion at the end of this session as to whether this seating is more convenient than the old arrangement.

The PRESIDENT. Mr. Parsons, of the Canadian delegation, is recognized.

Mr. PARSONS (Canada). Mr. President, being a member of the employers' delegation who could not see his way clear to subscribe to the declaration and the proposition brought into this house by Mr. Marjoribanks, representing the employers in general, I would like to have the opportunity of stating my reasons for not joining in that proposition and of making some general observations upon the question under discussion.

In the first place, it appears to me that those who were responsible for bringing forward the draft convention—to which we have been giving consideration—have brought forward something which they have tried to fit to all the nations of the earth represented, but hardly with success. It is as though they handed out a suit of ready-made clothes to the different countries, irrespective of their size or of their conditions, and had tried to make the same fit. In our country, in the ready-made clothing industry, they have, in connection with each large concern, what they call, I understand, a butcher, whose business it is to try and make fit any ready-made garments that are put upon the customer. Now, it appears to me that in connection with this labor program, of the eight-hour day in particular, that we need a butcher for each country in order to make the program fit as submitted to us.

I submit that the first consideration before us in this matter is the welfare of the workmen. And in that proposition I am sure I will carry the judgment of every delegate and of every adviser in this house. I have a firm belief in cooperative methods, and committees, and commissions—what you call perhaps in the old land, shop committees. I also believe in the weekly day of rest. I also believe in profit sharing. I believe in everything that can be done in every individual industry in order to further the interests of the worker. I believe that the day has come when we can all say with Charles Dickens, "When men and women seem by one consent to open their shut-up hearts freely and to think of people around them as if they really were fellow passengers to the grave and not another race of creatures bound on other journeys."

I do not, therefore, object to this eight-hour day, per se. My objection comes from the fact that in the present world-wide conditions we are not prepared for it and that we can not fit it to our individual country's economic system. The question of hours is particularly a national and international economic question. And let me say, Mr. Chairman, that looking at it in this regard, the Governments of the countries concerned, the employers' delegates representing the different countries, and the employees are all equally concerned in a proper, a just, and a satisfactory solution of this great question.

Let me repeat again that this question should not be considered by any one class of people in any one country or in all the countries of the world. It must be considered as a national, a great national question, to which each one of us must give his very best consideration. What is the condition of the world to-day? You will agree with me in saying that there has been physical and material devastation in all the war-worn countries of Europe; that there is

a great shortage of man power in all the countries; that there is a lack of foodstuffs; that we have huge national obligations which must be considered and met. In a word, the countries of the world have mortgaged their futures, and to-day we ought to give consideration to the question as to how the mortgage will be paid, for it assuredly meets us on every hand. The world is not suffering to-day on account of long hours, my friends. The world is suffering to-day for lack of food and clothing.

If my information is correct, and I believe it to be, there are 100,000,000 people on the verge of starvation in the Old World to-day. Not one-third of all the industries of the Old World are producing at full capacity. What situation does this reveal to us? Is it a time when we ought to be considering shorter hours, which, to my mind, necessarily mean lack of production?

What did we hear from our delegate of the French employers? That since the eight-hour day had been introduced in France there had been a corresponding falling off in production; that a reduction from 10 to 8 hours a day meant a 20 per cent reduction in production.

Will shorter hours make up this lack? What have we before us as a proposition in connection with the hours? The draft convention calling for a week of 48 hours; my friends of labor from Canada, and I think, perhaps, some other countries, calling for a week of 44 hours; and the miners of this country calling for a week of 30 hours.

Have you ever thought that if we are to have a maximum of hours of work that it might be also wise to have a minimum in consideration of the world's great need?

The country which I have the honor of representing as an employers' delegate at this convention, Canada, is, like its great sister on the south, one of the great food-producing countries of the world. This North American Continent is the bread basket of the world. I noticed that the Right Hon. Mr. Barnes, in his speech the other day, in speaking of this draft convention, specially emphasized the fact that agriculture was excluded. Now, my friends, what does it mean when we exclude agriculture in a country like Canada, and I should think—although I have no right to speak for this country—in a country like the United States?

It means this in Canada: We have to-day a shortage of man power on our farms; everywhere the farmers in our great agricultural stretches are crying out for more help, and they can't get it. And what is the consequence? A great loss of production and higher prices.

We talk about profiteering. Profiteering is only a symptom. There would be no profiteering if we had plenty of production the world over; but it is the shortage of production that is responsible for profiteering. And what do you do for the farmers when you try to bring in a short working-day in industry? You may say that you do not interfere with agriculture. Let us look at it a moment. You simply draw, as if by a magnet, the workers from the farms into our towns and cities because of the shorter hours, the high wages, and the lights and shades of city life.

Who will suffer on account of the shortage of foodstuffs provided by the farms because of the shorter hours drawing the workers into the towns and cities? In the first place, the workers themselves will be the first to suffer because of this shortage and the consequent higher prices. In the next place the farmers will suffer. How? Because their children—the boys and the girls—and the men and the women will be drawn to city life, thus causing a smaller production and less profit. Then, again, the farmers are bound to suffer in another way: The shorter hours in city life, in towns, in our industries, will make dearer agricultural implements, and dearer food and clothing, and thus the farmer is hit both ways; in the first place, because he has not men enough to work his farm to produce what is necessary; and, in the second place, because all that he uses in the way of manufactured articles is increased greatly in price. Not only that—I am speaking for my own country



and yet I believe it applies, as I have said, equally to this country and to other grain-growing countries of the world—for if there is a shortage of foodstuffs in our agricultural districts in this North American Continent, the workers all over the world are bound to suffer. They are bound to suffer because of the shortage. They are bound to suffer because of the consequent higher prices. I ask you, therefore, if you consider that it would be sound economically, in the present situation and circumstances of the world, to create such a shortage as will surely be created by shortening working hours.

Again, Mr. President and gentlemen, I object to this draft convention which has been presented to us on account of the fact that it contains so many exceptions of one kind and another, referring to one country and another, that it will cause great discontent among those who are thus excepted from its operation. Take again our own country of Canada. We have great seasonal occupations, for instance the lumbering industry, which is one of our great industries from east to west; it is well known that you can only carry on the lumbering industry when you have the water to run the logs. In part of our country, as in some other countries which perhaps have not the lumbering industry as we have, we are frozen up for a number of months of the year, and therefore we must make hay while the sun shines. Also there is a great difference in climate in our wide stretching country. On the far west, British Columbia has a climate somewhat like Great Britain. On the east it is frozen up for four or five months of the year. You will see at once that the exceptions applying on account of our great differences of climate, and other factors, will mean that there will be so many industries and workers excepted, that those workers who are excepted will become utterly dissatisfied.

Those who have to work a larger number of hours than the proposed eight-hour day, if that should come into effect, will soon say, "We are not going to work longer than our friends who have the shorter period," and thus again you decrease production and cause dissatisfaction among the workers.

Unlike Great Britain, according to the statement of the Right Hon. Mr. Barnes, we did not promise our workers, either before the war or during the war, that their conditions of labor would be altered, that they would have shorter hours, or anything of that nature. Our workers in Canada put their backs into their work in the first place because they were loyal to the cause, and in the next place because they received higher wages than ever they secured before. In all honesty I am bound to say that some of them, especially working on piecework in the munitions, worked harder than they should have done because of these higher wages.

I know it may be said that at the present time there is no particular standard of hours, and therefore there are many exceptions to what may be called even a sort of a general rule as to working hours. But, at the present time it is recognized by all the workers that there are different hours which apply to different industries, and these are understood. If we try to bring in what is called the universal eight-hour day, then we are faced almost at once by the necessity of extending that day and those hours of work to seasonal and other occupations, and that, to my mind, will be the cause of great dissatisfaction.

There is, however, another very serious objection, perhaps one of the most serious objections that can be brought forward against the legislation which is proposed in this draft convention. It is the attempt to deal by legislation with business matters. This is an economic problem, and I fear that if we try to settle it in our legislative halls in a political way, it will receive a political and not an economic answer. The more business interests of any country get into the hands of the government and politicians the more difficult it is to keep out influences which should never come between one class and another in any country.

In the case of Canada we have nine different Provinces dealing with the labor question. I understand the same is the case in the United States, where 48 legislatures deal with the labor question.

You can therefore see how difficult it is to arrive at any agreement, when you consider the different interests of these different Provinces or States.

In my opinion an attempt to limit the hours of work will mean the deathblow to small industries and would prevent starting new ones. Let me explain what I mean. The great majority of employers, on this continent at all events, have come up from the ranks or have had next to nothing to start with. How have they succeeded in coming to their present positions in the industrial world? It has been by working long hours, or rather with no regard to hours; also by thrift, the practice of economy, ambition, and by accumulating savings. A man starts in a very modest way. Perhaps he would gather about him three or four or a dozen workers who are possibly interested with him in some way in the venture. He works long hours because he knows that he is up against large industries with great capital and ability to do what he could not possibly do. The only way that he can get a start is to work longer and to secure men who will work with him. In that way he gradually gets ahead and assumes a place in industrial life of which he may well be proud. That is the history, I venture to say, of nine-tenths of the employers on this continent. If it is true of individual employers, I submit that it is likewise true of the small and newer nations. It will be the larger nations, if we go into this universal eight-hour day, that will have the great benefit. They will have the benefit of raw materials. They will have the benefit of capital. They will have the benefit of transportation, and, therefore, they, like the great industrial corporations, will cut the melon. That is the way business tends, either individually or nationally, these days.

There is another reason why, as representing the employers of Canada, I can not agree to become one of the signers of this draft convention. It is that, along with our friends of the United States, we inhabit the North American Continent. These two countries have interests in common. Our industrial life is much the same. Our wages are about the same. Our social conditions are almost identical. We have similar aims and similar industrial aspirations.

The United States has not yet signed the treaty of peace. I do not know, and I suppose none of us knows, whether the United States will sign the treaty of peace, or, if they do, whether the reservations which they may see fit to make will be of such a character that they will reserve to themselves certain matters regarding labor conditions, as well as other considerations. In other words, the uncertainty that there is in connection with this matter in the United States would make it suicidal for us, their small neighbor, in point of population, in the north, to agree to what they had not adhered to. We have eight or nine millions population. Our industries are young. They lack capital. We are struggling. We are alongside a magnificent country of one hundred and ten millions in population, with great industries and great wealth. It is quite easy to understand, therefore, that until the United States has spoken Canada must keep silent.

In closing, I would say that in Canada in the month of September we held a great national conference at the seat of government, Ottawa. There was represented in that conference an equal number of representatives of employers, of employed, and of the Government and the public. The employers' delegates could not agree with the employees in connection with this proposition of the eight-hour day. We, therefore, as employers, sent forward our own resolution to the Government of Canada, asking that a commission be appointed which would give thorough study to this important subject, and that upon this commission there would be represented an equal number of employers and of employed. That question, therefore, so far as our country is concerned, we hope will be studied in the light of all the facts, so that there will be no hasty conclusion reached, otherwise we might arrive at a decision which might interfere with our country's development and well-being.

Let me say that I know I am speaking for the employers of Canada, and I feel sure that I am speaking for all the employers represented in this conference, when I say that we hope that the day will come



when by the introduction of machinery to a greater extent than at present, as well as by labor-saving devices, the hours of work may be greatly reduced from what they now are. Personally I will hail that day on behalf, let me say, of my fellow workers—for I have worked all my life—and I would be glad, like others, of a little bit of respite from the long hours and toil of a lifetime. I don't believe that that time has arrived yet. My principal objection, therefore, is that, in view of the world's needs, we certainly should not consider shortening the hours of toil and, therefore, to my mind, decreasing production.

Social welfare for any or all classes of the people will never be attained by uneconomic regulations. It is utterly impossible. If any one class in a community obtains an unfair advantage the other classes must suffer, and we can not bring forward in any country of the world to-day any regulations which are not based on a proper economic footing and attain what we call social justice. The thing can not be done. The two things do not work together.

Let me just state that if we attempt this it is the surest way of wrecking our civilization, and we have the best civilization to-day that the world has ever brought forward. Let us take care of it and mend it here and there, but not attempt to destroy it.

I would like to read two or three words by Mr. W. A. Appleton, president of the International Federation of Trades-Unions. Mr. Appleton points out that "Phrases and catch words are everywhere taking the place of production. Unless the world produces it can not live."

He says, "The State is often described as a ship. To-day the ship is on a lee shore and all hands must work at maximum speed if she is to be saved from utter wreck."

Gentlemen, let us face present conditions as honest men, whether representing our Governments, employers, or employees, and work out this question in accordance with economic standards. [Applause.]

THE PRESIDENT. I have been requested by the Secretary of the Navy to extend an invitation to the officers, the members, and advisers of this conference to take a trip on the U. S. S. *Mayflower* to Mount Vernon, the home in life and the last resting place of our immortal Washington. The vessel will leave the navy yard piers at 2 o'clock to-morrow afternoon. [Applause.]

Baron Mayor des Planches is recognized.

Baron Mayor des PLANCHES (Italy). The Italian delegation feels confident that it faithfully interprets the sentiments of the conference when it heartily thanks our worthy president for his gracious communication, and begs him to express our gratitude to the Secretary of the Navy.

The invitation extended us fulfills the wishes of us all, and in particular the wishes of the Italian delegation, one member of which has already asked for the floor on this subject.

We shall be happy to render homage to the memory of the first of the long line of illustrious men who have filled the high station of President of the United States of America, the first in time and the first in merit, the man of so many eminent qualifications, whose purity of patriotism was on a par with his lofty character.

We shall be happy to pay our respects at the threshold of his tomb, and to visit the house which was the cherished abode of the modern Cincinnatus and his admirable helpmate Martha Washington, whose name should be coupled with that of Gen. George Washington in this meeting where, for the good of humanity, the rights of women are receiving the same enlightened attention as the rights of men.

THE PRESIDENT. You have heard the motion by Baron Mayor des Planches. As many as favor the motion will raise their right hands and keep them raised until counted.

[Votes counted.]

Those opposed. Agreed to unanimously. [Applause.]

Mr. Jouhaux is recognized.

Mr. JOUHAUX (France). On behalf of the workers' delegates, I am commissioned to express to you the general views entertained

by the workers on the question of the 8-hour day and the 48-hour week.

To be sure, what I am going to put before you is not the complete expression of the workers' sentiments. The explanation which we are making, the amendments which we propose, are in certain respects lower than the standards attained in certain countries. It seems to us that in this conference it is not only a question of stating the different national situations, but also of endeavoring to bring about international adjustments, and that in consequence, regardless of our sentiments or wishes, we, as well as others, are under obligation to make concessions to which otherwise we should not consent.

I beg of the employers and the Government representatives to take cognizance of the statements which I make, because they show that the workers, after having discussed the matter, are now presenting you with a text by means of which conciliation can be effected, and on which international agreement may be established.

Just now, while I was listening respectfully but sadly to the exposé made by the honorable Mr. Parsons, I seemed to hear again the discussions of several years ago, and I found my thoughts running back to the time when the question of the eight-hour day was first brought up in our European countries. To-day those times are gone. We have reached an epoch in which we are to determine, with a clear recognition of social events, the new formula by means of which the world of to-morrow can be freely developed for the general benefit of all humanity.

I know the language I am going to employ may seem bold to you, but there are moments when it is necessary to know one's duty and to do it, in order to avoid great responsibilities in the future. This is one of those moments.

We have certainly never consciously ignored the question of production. While the war was going on, during that time of travail, we, the workers' organizations, gave our attention to this grave question and we attempted to weigh the problems which confronted us and to find solutions for them. We did this work with all honesty, with all fairness, and I say to you that never, at the end of any analysis that we made, did the longer working day appear to be a solution. On the contrary, each time that we pushed our investigation further, each time that we examined into the details of an analysis, each time that we had recourse to scientific experience, we found that the shorter working day meant better physical and physiological development for the worker, increased production, and improved living conditions. It is from this standpoint that we to-day approach the problem which is before the conference.

Assuredly, as I have just said, the question of production must not be forgotten. It is undoubtedly, as Mr. Barnes has said, a problem of capital importance at the present time. We do not disregard the importance of the question of production; and when during our travels we militant workers see the poor organization and the waste of raw materials and manufactured products which it entails, when we see the disorganization of the labor market throughout the world, and, on the other hand, unemployment in certain countries in contrast to the lack of labor, then, yes, we certainly do think that something should be done to increase production. But we also say that it is not only in the hours of labor and in the production of the individual workman, but also in the best distribution of raw materials and the best utilization of economic resources, that the solution of this question rests. [Applause.]

This is our belief, and these are the results that we must aspire to, if a conference such as this is going to take a stand on the general grounds of the question and examine all the details of the problems which present themselves. I have no intention of doing this today, and I do beg in return that when the necessity for production is mentioned in these meetings, there shall not always be the implication that additional efforts must be required of the human machine, which for thousands of years has produced all it was capable of



without receiving the slightest compensation in material and moral welfare.

I should like to remind you here of the words uttered by our honorable president in his opening speech, when with striking imagery he pictured the masses at the bottom of the valley, the sun trying to give them a little of its warmth, and their yearning to climb up into the full sunlight. Yes, the masses have this longing; and if the International Labor Conference fails to-day to begin this relief to the masses, if it fails to make a start towards satisfying their legitimate aspirations, there may come about a world discontent greater than is expressed in words. You must also take that into account too, and give it consideration when examining the clauses of the convention now before us for examination.

No, Mr. Parsons, the laboring masses can no longer be appeased with vague promises. From all the corners of the world, from north to south and from east to west, the weary voices of the workers are rising to the skies demanding more room in the sunlight. These voices are weary, and they are insistent. If you do not know enough to seize the hour, the moment, the instant, when it is possible to calm these hopes by giving them satisfaction in as large a measure as possible, then indeed, in the figure used by Mr. Appleton, the chariot of state will be very near to destruction, the ship of state will be close to shipwreck.

It is for you, here, in the fullness of your responsibility, to say whether you will loyally attempt the effort necessary to produce the positive result for which we are all seeking. It is in this spirit that we have drawn up our motion and our amendments, it is for these reasons that we have put them before you, and it is likewise with these motives that we ask you to reflect deeply on the matter. We say to you that in this world there are not only arithmetical problems, there are also questions of idealism and morality which inspire the masses and which are the surest guaranty of the uninterrupted development of social progress for the benefit of all.

The workers' delegations maintain that the workers have every right to a full life, to a life which enables the body to be kept in good health, and which permits the development of intellectual and moral faculties.

They believe that a decrease in working hours would have the following effects: The uninterrupted development of industrial equipment, the unlimited diffusion of general and technical education, utilization of all material resources, and the application of all the discoveries and inventions which constitute the factors essential to more extensive production. This is the spirit in which they propose the following draft amendment:

Draft of a convention to limit the hours of work in industrial and commercial undertakings to 8 in the day and 48 in the week as maxima in both cases.

The workers' delegations believe that commerce can not be omitted from the international convention, and therefore have added the following:

The present convention applies to all industrial and commercial undertakings or branches thereof, of every kind, public or private, other than those in which only the members of the family are employed, it being understood that home work is not included in this exception.

We thought that if it was the duty and right of such a conference as this to be concerned with lessening the fatigue of adults, a still more imperative duty lay before it to prevent increased exploitation of children. Now, in the majority of cases home work is shameful exploitation, against which vigorous action should be taken.

Industrial undertakings shall be deemed to include the following:

- (a) Mines, quarries, and works where materials are transformed.
- (b) Industries in which articles are manufactured, altered, repaired, ornamented, finished, or adapted for sale or in which raw materials are transformed, including the generation and the transformation of electricity, ship construction, laundry work.
- (c) Construction, reconstruction, maintenance, repair, or alteration and demolition of buildings, railways, tramways, harbors, docks, piers, canals, inland navigation, roads, tunnels, bridges viaducts sewers, drains, wells, telephonic or telegraphic installations, electrical undertakings, gas works, waterworks, or other works of construction.

and the preparation for and the laying of foundations of any such works or buildings.

(d) The transport of passengers or goods by sea, by road, by canal, or by rail, including the handling of goods at docks, quays, wharves, and warehouses.

ART. 2. The working hours of employed persons shall not exceed 8 hours per day and 48 hours per week, except only in cases which can be justified by accidents, such as fire, flood, or unforeseen catastrophes.

The provisions of this convention, however, shall not apply to persons holding positions of supervision or management or employed in a confidential capacity. When work is carried on in three shifts, as in blast furnaces, it shall be permissible to employ persons in excess of 48 hours in any week if the average number of working hours over a period of three weeks does not exceed 48.

We thought that calculation for work in blast furnaces should cover a period of three weeks rather than a month, inasmuch as it is the lapse of time during which the three shifts relieve each other.

ART. 3. The limit of 8 hours in the day and 48 hours in the week may be exceeded, with the privilege of a compensating rest in case of accident, breakdown of machinery or plant, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

ART. 4. In industries which, by reason of the nature of the industry, require processes to be carried on continuously by a succession of shifts the limitation of the hours of work shall not affect any holidays which may be assured for the workers in such industries by law, including the weekly rest to which all workers are entitled.

We wanted the article to lay down the principle that all workers are entitled to a weekly rest; and when we were told that this was impossible in blast furnaces, we upheld the need of an additional seventh worker for every six in order to obtain rest by alternation. On the other hand, we also wanted the workers, regardless of the industry in which they are employed, to receive the benefit of all holidays and rest granted other workers.

ART. 5. The limit of 8 hours in the day and 48 hours in the week may be extended to not exceeding 54 hours in the week for the classes of workers included in schedule B, paragraph 1.

We realized that we would not be able to compel firemen, engineers, and certain classes of workers who prepare the work in certain establishments to leave at closing time, nor could we compel them not to arrive before the opening time of such establishments. But we thought that one hour per day was, speaking broadly, sufficient for such work. We believe, not from reasoning, but from actual experience, because we know—a point which no one will contest—that in many factories 15 or 20 minutes are sufficient for lighting or extinguishing fires. Consequently, by leaving a margin of six hours per week, i. e., a nine-hour day, we shall be meeting our obligations with regard to industrial needs.

ART. 6. In seasonal industries overtime may be worked for not more than 70 hours a year, subject to the condition that a worker when employed overtime in excess of the daily 8 hours shall receive a rate of pay which shall be higher by at least 50 per cent.

On this point it seemed to us necessary not to accept the theory supported in the draft of the organizing committee and still more necessary to reject the theory supported by the employers, as a simple superficial glance will enable anyone to see that 300 hours of overtime would be equivalent to saying:

Article 1. We establish an eight-hour day.

Article 2. We establish a nine-hour day.

We can not admit exceptions of such importance. We do want to take into consideration industrial difficulties and requirements, but we believe that these difficulties and requirements should not be allowed to interfere with the interests of the workers.

We have passed over article 7 because we want to ask for supplementary explanations of the text of it. We do not yet understand the significance of it; but when the necessary explanations are made we shall be prepared to take our stand on the matter.

ART. 8. In order to facilitate the enforcement of the provisions of this convention, every employer shall be required:

- (a) To make known by means of a notice posted in his works or other suitable place, or by such other method as may be approved by the Government, the hours at which work begins and ends; or, where work is carried on by shifts, the times at which the employment of each shift begins and ends. The time should be so fixed as not to exceed the limits provided for under this convention, and when notified shall not



be changed except by agreement between the employers' and workers' organizations and after having been approved by the Government.

(b) To notify in the same way such rest or meal times observed during the period of work as are not reckoned as a part of the working hours.

(c) To keep a record in a form approved by the International Labor Office of all additional hours worked in pursuance of articles 3 and 6 of this convention. It shall be made an offense against the law to employ any person outside the times fixed in pursuance of paragraph (a) or during the times fixed in paragraph (b).

In this article we thought to introduce the principle that the blank forms for the recording and reporting of the hours of work shall be international, in order to make possible, to expedite, and to render effective investigations necessary for controlling the application of the conventions. Our idea is not to infringe on the national legislation of any country; at the present time we are not drawing up national legislation, we are drawing up an international convention, and consequently we should see to it that our methods of control are international methods and are within the range of all the members of the International Labor Organization.

ART. 9. In those countries in which climatic conditions render the industrial efficiency of the workers substantially different, the following modifications of the provisions of this convention are permitted: \* \* \*

It was our opinion that a reservation should be made to this article by omitting that part which says "the imperfect development of industrial organization."

We consider this a vague and indefinite phrase on which it is impossible to base any serious judgment. Even if we are willing to admit that there are climatic conditions which influence the workers' efficiency we do not wish to infer that certain countries, or certain regions, because they are not willing to improve the mechanical end of their industries, should be authorized to claim exemption from application of the international labor convention.

Similarly, we set aside article 10 because this article speaks of the possibility of suspension of the convention by the Government in case of war and also in case of events which threaten national security.

We may possibly appear somewhat too optimistic, slightly too credulous, in the eyes of the International Labor Conference, but it appears to us that when we are called upon to perform an international task which is at bottom the first stone in the League of Nations, which is the first action of the League of Nations, the purpose of which is to remove the possibility of future war, it is impossible to make provision for the occasion when the Governments making part of the League of Nations shall suspend international conventions in the event of war; first, I repeat, because it is contrary to the very spirit and aim of the League of Nations, but also because it is profoundly immoral.

By accepting this condition you declare in advance that countries in a state of war, whether they are the aggressors or the attacked, shall be entitled by your convention to suspend the application of laws limiting the duration of labor. That, I repeat, is profoundly immoral and contrary to everything that has been brought to light during the war we have just won.

Your article contains the following, moreover: "in case of events threatening the national security."

We do not quite understand what this means, or rather we have too much of a presentiment, and we do not want to make it possible a few months hence to affect the right of organization which you have inscribed at the very head of the international labor charter.

It is for these reasons that we have set aside article 10 and that we request the necessary supplementary explanations.

ART. 11. The provisions of this convention shall enter into force not later than July 1, 1920.

We have added supplementary articles in order to complete our amendments.

ART. 1. In adopting the above text the International Labor Conference at Washington is of the opinion that war-time laws restricting rights of labor should be repealed in all countries, so as to eliminate any obstacle to the application of the clauses of this convention.

We demand in this additional article that laws restricting the rights of labor which may have been of use during the war, be repealed now that the war is over and that nations are living under a régime of peace.

ART. 2. (a) In no case shall this convention affect the advances already made by workers in certain countries, either by means of legislation or by means of agreements between trades-unions; and it shall not in any way delay application of the 8-hour day and the 48-hour week in countries where negotiations have already been entered upon between employers, workers, and Government representatives.

(b) The fact that this convention does not examine the details and methods of application of the 8-hour day in the merchant marine and contains no clause relative to agricultural labor in no way implies that any exception is intended. The International Labor Office is charged to convene a special meeting of each of these trades with as little delay as possible.

(c) The workers' delegates demand that there be organized in each country a department of labor inspection, staffed by Government officials and delegates appointed by workers' organizations, which department, among other things, shall be charged with the investigation of the application of international conventions, and shall make an annual report to the International Labor Office.

(d) The workers' delegates recommend that all countries shall introduce a Saturday afternoon holiday and limit the working week to 44 hours.

That is the report proposed by the workers' delegates as an amendment to the draft convention of the organizing committee of the International Labor Conference.

As an amendment to the draft convention of the organizing committee of the International Labor Conference at Washington, I repeat, this report, the terms of which may appear bold to certain minds, is less advanced than the legislation already enacted in some countries; it does not fulfill all the aspirations and claims of the workers; but it is a mean between the claims which we believe should be advanced. And in this light it becomes binding on all, if we wish the International Labor Conference at Washington to be what we, the representatives of the masses of workers ardently desire it to be, the first landmark on the road of the League of Nations for the best possible future for humanity.

The PRESIDENT. May I state that we have a visit from the Vice President of the United States, who is at the moment at the door. [Applause.]

Ladies and gentlemen of the conference, the Vice President of the United States. [Applause.]

Hon. THOMAS R. MARSHALL (Vice President of the United States). Ladies and gentlemen of this International Labor Conference, you are here in the Capital City of the United States at the invitation of the President of the United States and in accordance with a joint resolution of the Congress of the United States. I assume that the Secretary of Labor has heretofore welcomed you. It has been a source of great regret upon my part that the President of our Republic has been so stricken in health that he has been unable to face you, greet you, welcome you, and offer suggestions to you.

I have not hitherto come to you for the very simple reason that those of you who know anything about the form of government that we have in this country understand, without being told, that the Vice President of the United States is a man without power, authority, or influence. [Laughter.]

He occupies the most unique position of any public official on the face of the globe. Elsewhere, one who occupies my place might be denominated the heir apparent, but here I am not apparent at all. [Laughter.] Therefore I neither expect nor intend that you shall pay any attention to what I may say, or have your deliberations governed in any particular by any little views that I may express. I speak for nobody except myself. And I do not expect to run either the American Government or the world. When I was a small boy I saw a geography that had on the back of it a picture of Atlas carrying the world on his shoulder. I saw the pained and stricken expression on his face, and I resolved that I would never undertake to carry the world on my shoulders, and I have kept that resolution sedulously. [Laughter.] I never attempted to carry any portion of it on my shoulders until several years ago, when I attempted to carry that part of it called the



State of Indiana on my shoulders, and failed in that effort. May I, however, be permitted to say just this to you, as the individual opinion of an individual man who, if he knows himself, entertains no enmity or ill-will against a single soul on earth.

I assume you are looking forward to legislation, legislation in the interests of what you call the laboring classes of the world, and very frankly, ladies and gentlemen, I don't like the definition. I object to classes in a world where God made men. [Applause.]

And I am not here to even suggest anything along the line of legislation, but I am here to say to you that I have found out that there are two kinds of legislation in this dreary old world. One is legislation that attempts to have the world lift itself up by its boot straps. In other words, legislation that does not have back of it the concrete public opinion of the people for whom it is made, and up to this good hour about all I have ever seen come from such legislation as that is trouble and turmoil in the community and more violations of the law than respect for it. Upon the other hand, there is a legislation which seeks to crystallize into the law of the land the public opinion of the country, and when the public opinion of people is behind the legislation you may rest assured that the legislation is going to be successful.

The difficulty with most people who desire good things is that they want all of them at once, when, if they will consider the history of human kind, they will observe that the growth of right things among mankind is the slowest thing in all nature of which we have any account. Theodore Parker at one time, after an attempt to clean up the city of Boston, and discovering it a failure, uttered this great truth: That there was just one difference between Theodore Parker and God, and that was that God could wait.

I don't know enough about your problems to discuss them with you. That is a very frank statement. I have troubles of my own, ladies and gentlemen. I am presiding over the Senate of the United States [laughter and applause], where there is at the present time a distinct effort to write 96 separate treaties with the Imperial German Government. But I do have some idea, not as politician nor as law-maker—but as a man who thinks he loves his fellow man—I do have some idea as to how the many wrongs which exist in the relations of labor and capital are to be solved. Now, I may be anathema maranatha to you, and you may request me to retire at once, if you want: but I can not help saying this to you: For God's sake get at the solution of these problems in a spirit of amity and concord and friendship and common human sympathy. [Applause.]

Do not think you know it all. There is only one man on earth that I am afraid of and that is the cocksure man, the man who knows it all and understands it all and proposes to settle it all according to his way. That is why I am not a pacifist. You can not get along with a pacifist without having a fight with him, and I do not want to fight with anyone. [Laughter.] Let me give you an illustration of what I mean: We had out in the State of Indiana a German who was elected justice of the peace and who tried his first case. It was tried in the court and at the close of it the attorney for the plaintiff rose and argued the case. As he sat down the attorney for the defendant got up and said, "May it please the court." Whereupon the German justice said, "You sit down. He has got it."

"But," said the attorney, "the law of this State authorizes me to argue my client's case, and I demand that right." "Well," said the old German justice, "go ahead, but it won't do you any good, I tell you; he has got it now."

The defendant's counsel made his argument, and as he sat down a wave of consternation and bewilderment swept over the German justice's face, and he said: "Well, now, don't that beat the devil; he's got it now."

It is just a homely story from a homely part of the Republic; but, oh, gentlemen, don't meet these problems in an antagonistic spirit. Meet the men upon the other side upon the level. Be patient. Put yourselves in their places; and, as I beg that of you, I would beg it also of every employer of labor the world around—put himself in the place of the man who has to stand at the machine or go down in the mine.

In other words, I am not here presenting or advocating interfering with your deliberations, trying to say what you shall or what you shall not do. But take it from a man who has sounded most of the shoals and depths of human passion, from a man who has never allied with any organization that sought any governmental influence or governmental power at all, from a man who has wanted no advantage and no benefit except the advantage and benefit that came to him as an American citizen; take it from me that the surest way for the solution of these problems which confront you is not from the bitter standpoint of your own wrongs and grievances, but from the common standpoint of the Nazarene, that "whatsoever ye would that men should do unto you, do ye even so to them." [Applause.]

I am not here even to interfere with your deliberations. I am one of those who believe in free and frank discussion. I hope nobody is going to get mad at what they may determine ill-tempered and radical and foolish statements. I have been married a great many years, and I know it does not pay to get mad at radical, foolish, and ill-tempered statements. [Laughter.] After they have been made there is always a golden mean that works for peace and quietude in the family that I trust may work for peace and quietude in the Republic, and I hope may bind the nations of the world together in a sincere desire for the common prosperity of all the nations of the earth and for a universal peace never to be broken.

So, gentlemen, never forget that the same contending forces which contend in physical nature contend also in the judgment and conscience and opinions of mankind. This weary old world of ours, storm tossed, war swept, keeps on its accustomed course around the center of our solar system, because all the while there are playing upon it two great forces of nature, the centripetal force that would draw it into the sun and burn it up, and the centrifugal force that would throw it out of its orbit, whirling it to unknown spaces. The two pulling against each other keep us in peace and safety. So, let the radical here voice his views and let the conservative here speak freely, and between the two forces contending with each other, may the God of nations, who has gotten us out of this war, keep us safely in the orbit of peace and quietude and good order in our industrial relations. I thank you. [Applause.]

The PRESIDENT. Mr. Barnes, of Great Britain.

Mr. BARNES (Great Britain). Mr. President, ladies, and gentlemen, may I venture to ask my fellow delegates and advisers to join with me in according a very hearty vote of thanks to the Vice President for his presence here to-day, and for the very excellent and enthusing address that he delivered to us? Sir, I think it is fitting that this conference should have been visited by the Vice President of the United States. I know we all regret the cause of the absence of the President himself. We know that he is lying upon a bed of sickness, that the magnificent efforts that he has made on behalf of the democracies of the world have laid him low, and we all wish that he may be restored to health as speedily as may be. [Applause.] But in the absence of the President we welcome here to-day Vice President Marshall. It is fit and proper, I say, that this conference should have been visited by the representative of the United States Executive, because I think I can say without egotism that this conference is, after all, an epoch-making one and may start a new era in industrial relations. The Vice President has said that we are here for the benefit of what he called the laboring classes of the world. In a sense, Mr. President, that is quite true, but it carries with it a great deal more than the bare statement would seem to imply. I venture to say that those who are working for the benefit of the laboring classes of the world are at the same time working for the benefit of every class in every community and for the continued peace and progress of the world.

Cast one's eye where one will, and what do you find? You find that where there is poverty, where there is destitution, there also you find low moral standards and a general stagnation in that community. Whereas, cast your mind to those communities that have a high standard of comfort and a high standard of education, and there also you will find a higher standard of morality, a greater desire to do the right thing, and a firmer basis of law and order



and progress. And, therefore, I say, Mr. Chairman, when the Vice President said that we were working for the uplifting of the laboring classes, whether he meant it or not, I take it that that statement means in its fullest implication that we are working for the uplifting and the benefit of all classes. That being so, having regard to the fact that this conference for the first time brings all classes together in a spirit of cooperation and good will, that being so, it is right and fitting the Vice President should have come here. We are extremely glad that he has come here. We feel honored by his presence. We thank him heartily for his address. [Applause.]

The PRESIDENT. As many as favor the motion of the Right Hon. Mr. Barnes will signify the same by raising the right hand.

[Show of hands.]

Down. Those opposed will raise their right hands.

Agreed to unanimously, Mr. Vice President [addressing Vice President Marshall]. [Applause.]

Without objection the conference will recess for 20 minutes or half an hour to shake hands with the Vice President, who will meet you at this side of the room. Hearing no objection, it is so ordered.

[Recess.]

I desire to announce that I have been advised that instead of the *Mayflower* leaving at 2 o'clock to-morrow afternoon it will leave at 1 o'clock, and I am also advised that luncheon will be served on the vessel. [Applause.]

In accordance with the announcement of the interpreter that the motion that was to be read and was read by Mr. Jouhaux would also be read by Mr. Shaw at the conclusion of his remarks, and that therefore that portion of Mr. Jouhaux's remarks need not be translated, we will now proceed with the recognition of Mr. Shaw without further translation of Mr. Jouhaux's remarks.

Mr. Shaw is recognized.

Mr. SHAW (Great Britain). Mr. President, in view of the lateness of the hour and the fact that I and, I dare say, most of the delegates are extremely anxious to get to the detailed consideration of the draft convention, I hope that I shall not spend too much time in a general introduction to the amendments made by the labor section to the draft convention itself.

We face the business of this conference with a view that is colored by ideals that all of us hold. The war took its terrible toll of the sons of all of us, of whatever class. But out of the war certain great features emerged which have led to this conference in Washington, and our sincere hope is that the suffering and the agonies of the past may, after all, resolve themselves into brighter and better conditions for the future of all humanity.

Before the war, even in the best-organized countries in the world, the position of too many of the workers was a position of underfeeding, overworking, undereducation, dirt, and misery. It is to be hoped that out of all the suffering will emerge a condition not of overwork, but sufficient work, wages that will give comfort, will give cleanliness, will give security, will give education, which will allow human beings of all classes to develop everything that is best and brightest in their nature. Those are our ideals, and they are bound to color every word we say, every action we take, in this gathering. It is not my intention to elaborate our ideals. My desire is to get at once to the detailed consideration of our business. With your permission I will now turn to what the labor delegations of the whole of the countries, so far as I know, are prepared to submit to this conference as amendments to the draft convention drawn up and circulated in this book.

Our amendments begin with the heading itself of the draft convention, and we head the convention that we suggest proposals of workers' delegates concerning an 8-hour day and the 48-hour week. The convention itself is headed 48-hour week only. That is the first essential difference between our suggestions and the draft convention. We go on then to say that the workers' delegates declare that the workers have a right to a full life and to a mode of life which will permit the maintenance of the body in a healthy condition

and the development of the intellectual and moral faculties. They consider that the result of shortening the hours of work would be the uninterrupted improvement of industrial equipment, the unlimited diffusion of general and technical construction, the full employment of all talent, and the utilization of all material resources. And here may I say that every experience in every industrial country in the world goes to prove that our deductions are correct, because where labor has been reduced to the minimum in hours, so labor has been raised to the maximum of efficiency. And only in those countries where hours are longest do we find the extremes of misery, and in those countries where hours are shortest do we find the maximum of comfort for the whole of the people.

We say that the general application of all inventions and discoveries which constitute the essential factors of a larger production will result from the shortening of hours. In this spirit they propose—"they" means the workers' delegations—the following amended draft:

Draft of a convention to limit the maximum hours of work in industrial and commercial undertakings to 8 per day and 48 per week, as maxima in both cases.

The difference there is that we include commercial works, and we insist on the 8-hour day as a maximum day instead of a 48-hour week only, as provided by the convention.

We suggest that article 1 should read:

The present convention applies to all industrial and commercial undertakings or branches thereof, of every kind, public or private, other than those in which only the members of the family are employed, it being understood that home work is not included in this exception.

Industrial undertakings shall be deemed to include the following:

- (a) Mines, quarries, and works where materials are transformed.
- (b) Industries in which articles are manufactured, altered, repaired, ornamented, finished, or adapted for sale or in which raw materials are transformed, including the generation and the transformation of electricity, ship construction, laundry work.
- (c) Construction, reconstruction, maintenance, repair, or alteration and demolition of buildings, railways, tramways, harbors, docks, piers, canals, inland navigation, roads, tunnels, bridges, viaducts, sewers, drains, wells, telephonic or telegraphic installations, electrical undertakings, gas works, waterworks, or other works of construction and the preparation for and the laying of foundations of any such works or buildings.
- (d) The transport of passengers or goods by sea, by road, by canal, or by rail, including the handling of goods at docks, quays, wharves, and warehouses.

The PRESIDENT. May I suggest a translation, Mr. Shaw?

Mr. SHAW. I was going to suggest to you, Mr. Chairman, that as M. Jouhaux has read all this and as I am reading it in English, that my remarks need not be translated at all; that they will appear in the report; and that M. Jouhaux's explanatory remarks will also appear in the report and the delegates might be satisfied and we might get to actual work at our next sitting.

ART. 2. The working hours of employed persons shall not exceed 8 hours per day and 48 hours per week, except only in cases which can be justified by accidents, such as fire, flood, or unforeseen catastrophes.

The provisions of this convention shall not apply to persons holding positions of supervision or management or employed in a confidential capacity. When persons are employed in three shifts, as in blast furnaces, it shall be permissible to employ persons in excess of 48 hours in any week if the average number of working hours over a period of three weeks does not exceed 48.

ART. 3. The limit of 8 hours in the day and 48 hours in the week may be exceeded, with the privilege of a compensating rest, in case of accident, breakdown of machinery or plant, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

ART. 4. In industries which by reason of the nature of the industry require processes to be carried on continuously by a succession of shifts the limitation of the hours of work shall not affect any holidays which may be assured for the workers in such industries by law, including the weekly rest to which all workers are entitled.

ART. 5. The limit of 8 hours in the day and 48 hours in the week may be extended to not exceeding 54 hours in the week for the classes of workers included in schedule B, paragraph 1.

The rest of schedule B we ask to be deleted as we intend the whole of schedule A to be deleted.

ART. 6. In seasonal industries overtime may be worked for not more than 70 hours a year, subject to the condition that a worker when employed overtime in excess of the daily 8 hours shall receive a rate of pay which shall be higher by at least 50 per cent.



That condition is inserted in order to make, so far as possible, overtime work impossible.

Article 7 we desire to leave out altogether until we have had some explanation as to what it exactly means. We are in doubt as to its meaning, and we prefer to have an explanation of it before we come to any decision on the matter.

ART. 8. In order to facilitate the enforcement of the provisions of this convention, every employer should be required:

(a) To notify, by means of a notice posted in the works or other suitable place, or by such other method as may be approved by the Government, the hours at which work begins and ends; or, where work is carried on by shifts, the times at which the employment of each shift begins and ends. The time should be so fixed as not to exceed the limits provided for under this convention, and when notified shall not be changed except by agreement between the employers' and workers' organizations and after having been approved by the Government.

The idea underlying that provision is to prevent any body of employers and employed breaking through the national agreement by agreements between themselves.

(b) To notify in the same way such rest or meal times observed during the period of work as are not reckoned as a part of the working hours.

(c) To keep a record in a form approved by the International Labor Office of all additional hours worked in pursuance of articles 3 and 6 of this convention. It shall be made an offense against the law to employ any person outside the times fixed in pursuance of paragraph (a) or during the times fixed in paragraph (b).

ART. 9. In those countries in which climatic conditions render the industrial efficiency of the workers substantially different, the following modifications of the provisions of this convention are permitted: \* \* \*

We have there, Mr. President, deliberately excluded the words "the imperfect development of industrial organization." Of course, we consider that dangerous, because we consider that no one can determine properly what they mean, and because, in any case, we are opposed to anything being done except in countries where obviously the physical circumstances are such as to make it necessary to have a deviation.

Article 10 we leave out because we believe that this meeting is the first of a series of meetings in connection with the League of Nations, which is intended to abolish war. We do not like some of the terms, some of the words, used in clause 10, and we prefer that it should be left out of account altogether. We are in favor of the abolition of war. This meeting is a meeting for the purpose of avoiding war, and we desire that in our convention no reference should be made to the war, but all references should be made to the possibilities of peace rather than to the possibilities of war. [Applause.]

In article 11 we propose that the provisions of this convention shall be brought into force not later than July 1, 1920. I believe that the French text gives the proposal for the entry into operation of the convention as January 1, 1921. The English text gives the 1st of July, 1921. We propose that the convention should enter into operation not later than July 1, 1920. Then we go on to make one or two observations of a general character.

In adopting the above text the International Labor Conference at Washington expresses the opinion that war-time laws restricting the rights of labor should be repealed in all countries so as to eliminate any obstacle to the application of the clauses of this convention.

Argument is not needed to show why we suggest this. Whatever the result may be, surely those laws should not be used to restrict the application of any agreement made at this convention. We suggest additional articles. We suggest that in no case shall the present convention prejudice more favorable conditions already achieved by the workers in certain countries, either through legislation or through agreements between organizations of employers and workers, and in no case shall the present convention delay the application of the 8-hour day and the 48-hour week in countries where negotiations have already been entered upon between employers, workers, and Governments.

(b) The fact that this convention does not examine the details and methods of application of the 8-hour day in the merchant marine and contains no clause relative to agricultural labor in no way implies that any exception is intended. The International Labor Office is charged to convene a special meeting of each of these trades with as little delay as possible.

No argument is needed, I think, on that clause. It is perfectly clear. We wish these trades to be called together in order that if possible some international arrangement may be made to put agricultural men and seamen on the same level as industrial and commercial workers.

(c) The workers' delegates demand that there be organized in each country a department of labor inspection, staffed by Government officials and delegates appointed by workers' organizations, which department, among other things, shall be charged with the investigation of the application of international conventions, and shall make an annual report to the International Labor Office.

(d) The workers' delegates recommend that all countries shall introduce a Saturday afternoon holiday and limit the working week to 44 hours.

I think, Mr. Chairman, I have finished the amendments that we suggest to the draft convention which forms the basis of discussion. I shall have opportunities probably during the general debate to enter into questions of detail and I will suppress my natural desire as a labor representative to go into details and explain our case, believing that by suppressing myself I shall help the convention the sooner to get to the definite detail work which alone can result in success in this conference of ours. [Applause.]

Mr. GUERIN (France). Mr. President, ladies and gentlemen, I have been designated on behalf of the French employers' delegation to read a statement to you, which, I may say, will be brief. But beforehand I should like to say a few words in reply to the speech of my colleague of the French workers' delegation, Mr. Jouhaux.

It is not my intention, gentlemen, to follow this speech in all its details, for the question of amendments will be treated as the discussion develops, but I desire to examine a few points of general interest.

Mr. Jouhaux, taking up the theme of Mr. Gompers, accuses us of decreeing the 8-hour day in principle and of destroying it in reality. Well, will he allow me to say this to him: Taking up his own formula, I, too, can reproach him for decreeing in article 1 the maintenance of production, and in article 2 for doing everything possible to diminish it, in view of the fact, gentlemen, that by the very nature of things—and every experiment that has been tried proves this—production in 8 hours is less than in 10 hours, pretty nearly in proportion to the reduction in the number of hours.

Mr. Jouhaux thinks that the question should be considered from an international point of view. We, on the other hand, think that from a practical point of view this is an error which we can not pass without a protest. We believe that, on the contrary, the question of lessening the number of working hours calls for an examination from a national point of view; for after all, gentlemen, the conditions of different nations are essentially unlike. There are nations with a low birth rate, there are some with an excess of population; there are nations in such a condition with regard to work and to wages as to render competition impossible for them. If I should mention the United States and Japan it would be easy for me to demonstrate that there are essential conditions in these countries differing from those in European countries. I shall only point out in passing the question of the devastated countries, France, Belgium, Northern Italy, Serbia, and others.

We can not then admit the international character of the problem. But, gentlemen, we employers protest against the insinuation that the welfare of our collaborators, the workingmen, is not among our foremost cares. We have nothing to say against the eloquent and generous statements made by Mr. Jouhaux; I, for my part, would be ready to subscribe to the introduction which he read before the enumeration of his amendments. But, gentlemen, do you think we have waited until to-day to examine these questions of welfare? We must give conditions time to develop. Vice President Marshall just now recommended patience; I believe, Mr. Jouhaux—pardon me for singling you out—that you could and should follow this advice even in the interest of the 8-hour day. These reforms in customs are not accomplished by means of decrees and sudden legislation. When we passed from 12 hours to 10 hours, it took us two years to do it, in successive stages. To-day they are making us jump from 10 hours to 8 hours, without any period of transition whatever. Permit



me to believe that this is an error, even from the point of view of the enforcement of the 8-hour law and its introduction as a custom.

There are indeed, gentlemen, moral considerations involved, and I am in accord with Mr. Jouhaux in saying that life is not based merely upon arithmetical formulas. But neither is life based, ladies and gentlemen, merely upon arithmetical formulas and moral consideration; it is based also upon the necessities of life, and I have in my hand a dispatch received to-day from France, which demonstrates that there are necessities superior to all conventions. They are beginning to feel a shortage of coal; and do you know who has just requested that extraordinary measures be taken to remedy this situation? It was the General Federation of Labor, it was the colleagues of Mr. Jouhaux, who very opportunely came and said: "Our industries are going to lack coal, work is going to stop. It is a disaster, worse for the workingmen than for the employers. What are you going to do about it?" Gentlemen, without insisting any further, is not that the proof that after all there are necessities of life which dominate the whole situation, both for the employers and for the workingmen, and that before making provision for leisure we must live and eat and keep warm; in short, we must satisfy all the needs of existence? I shall not dwell further upon this point.

This is in fact what is going on, ladies and gentlemen: The miners' union has just been asked to consent to two additional hours daily with a considerable bonus, and the discontinuance of certain passenger trains and freight trains has just been requested, in favor of coal cars. I shall not dwell further on this point, but will conclude. What I wish to say is, that what is desirable is not always possible, and that, I repeat, the things upon which life is conditioned dominate all situations as well as the desires of both employers and workers.

In conclusion will Mr. Jouhaux allow me to express a personal regret? We discussed together in the month of April, at the interministerial commission at Paris, the conditions for the enforcement of the eight-hour law during the period of transition. I have found him to-day much less generous—and I venture to reproach him for it—than I found him in the month of April, and he was not any too generous then with regard to the exceptions to be allowed.

Now, gentlemen, here is the statement:

The French employers have generally accepted the principle of the 8-hour day or the 48-hour week.

They are more anxious than some people have had the justice to admit, for the welfare of their colleagues, the workingmen, and for the amelioration of their living conditions, which are often hard. They would have adopted this principle with less hesitation if they had not feared the consequences of a hasty introduction of so radical a modification in working conditions.

However, they have rallied to the adoption of the measure, their colleagues, the workingmen, having declared in the course of the deliberations of the interministerial commission that production would be kept up and even increased.

I have here the official statement. In spite of the difficulties of the present moment, they have no intention of going back upon their agreement, and they intend to maintain what they have adopted; but at the same time authoritative voices are drawing attention to the serious dangers of the present world situation.

Under these conditions, when general discussion is drawing to a close, and before we pass to an examination of the amendments to the draft which is to be taken as a basis of discussion, the French employers' delegation believes it is fulfilling a most important duty to society in submitting the following points to all the members of the conference, although they have been touched upon:

The war which has just ended and the epidemic of influenza following upon this war have cost at the very least 10,000,000 human lives. There have been destroyed throughout the world from 1,000 to 1,200 billions of wealth slowly accumulated by the efforts of successive generations; all the sources of the world's production have been dried up to a fearful extent.

Hence, as an unavoidable consequence, the high cost of living is bound to increase continually; exchange of money is becoming costlier; the countries most affected by the war are no longer exporting, but must on the contrary import in order to provide for their most pressing needs. Under these conditions, the rate of exchange in

such countries is growing more and more unfavorable and helps to aggravate the situation. In addition these nations are bending under the weight of crushing debts, and their financial situation is disturbing to the most optimistic persons. Workingmen, being no longer able to provide for their needs, have of necessity demanded a raise in wages; this continued increase results in an indefinite soaring of the cost of living.

What is to be done in the face of this situation which is continuously growing worse?

Good sense and the most elementary power of reasoning indicate that there are but two remedies, ladies and gentlemen: To work more and produce more, and at the same time to economize.

Now, I ask, is that what we are doing?

Production has not been kept up as was promised, and all the hopes conceived and all the promises sincerely made have been cruelly belied by the facts.

I have here much evidence which I shall produce in the course of my examination of the amendments. I can not say all I would like to say to-day, nor can I say it all at once.

All the official organs of public opinion point to a decrease in production, which is about in proportion to the two-hour reduction; in other words, at least 15 to 20 per cent.

The crisis in transportation, made worse by the enforcement of the eight-hour law, is every day more and more apparent; to counteract this it will be necessary to withdraw 60,000 or 80,000 men from among the already insufficient number of workers, to spend large amounts of money, and to increase the general expenses in such a way that the cost price of the majority of manufactured products must be increased about 15 per cent.

I have with me, gentlemen, a colleague, Mr. Henri, who has been delegated by the important Paris-Lyons-Mediterranean Railway Co. of France. Gentlemen, the charts and documents which Mr. Henri has with him bring out the fact (he will present them himself in the course of the discussion on the amendments) that this company, which made a profit of eight and one-half millions of francs before the war, is now threatened with a deficit for one year alone of five hundred and forty-three million—more than half a billion—francs. I hasten to add that this deficit is not entirely due to the eight-hour day, of course, but it will be shown that the enforcement of the eight-hour law effects a decrease in profits to the amount of 15 per cent, and that it is necessary to take on 15,000 to 20,000 additional workmen. If you multiply this figure by six [sic], the number of the main railway companies in France, you will get these 60,000 or 80,000 men of whom I spoke. We have not enough workmen. What is going to become of us when they take in addition an army of 100,000 men, among them the most active workmen, from this already insufficient body?

Whatever may be said, the perfection of machinery at the present time is a physical impossibility. They keep throwing this reason up to us, as if the manufacturers of France or of the rest of the world were so inferior to their task that they were unable to supply their factories with machinery and take the necessary steps to carry on their industries. Do people think we are so stupid? Pardon my expression. Is it not to our most evident and most elementary interest to acquire the machinery which permits us to have the maximum of production, since this maximum of production is the maximum of profit? But admitting that we have been to a certain extent lacking in our duty, in the acquisition of new machinery, is this a moment when such machinery can be purchased? None is to be found; there is no more material, the war having put a stop to all work, in favor of war activities. There is no more machinery to be bought, even supposing that the inflated price could be paid at which it is sold just now. It is no longer to be had. All the more reason to give us a chance to breathe and to give us the time necessary for the normal enforcement of the law.

The abnormal delays in construction and the excessive cost of machinery have become insurmountable obstacles. I am in the flax-spinning industry. Our industry in France amounted to 550,000 spindles before the war. The Germans destroyed our material and



we have hardly more than 60,000 to 70,000 spindles left. Now in the whole world there are only two and a half makers, if I may say so, of supplies for flax-spinning mills, two large firms and one small one, and they are in Ireland. Outside of these there is nobody who manufactures this machinery.

All of us have ordered supplies and it will be two and a half or three years before we can get all we need. What do you expect us to do in this situation?

No one, however, in spite of these reservations—speaking in all sincerity I say—no one wants to go back upon the principle of the 48-hour week. All that is proposed is to regulate its enforcement while waiting for the reestablishment of an approximately normal situation. The world will recover its equilibrium and its prosperity at this price, only; otherwise we are moving toward the most dire calamities.

An illustrious American, whose competence and lofty impartiality can not be gainsaid, Mr. Herbert Hoover, the beneficent savior of the invaded regions of France and Belgium—and, gentlemen, you will permit me to pay tribute from the depths of a grateful heart to my former chief, Mr. Hoover, whose assistant I was in distributing food supplies in France—Mr. Hoover, the friend of humanity, and neither employer nor employee. [Applause.] Ah, yes, you are right in applauding him, my dear colleagues, for Mr. Hoover has been a benefactor to humanity, and I desire to state here that there are thousands of women and children in Belgium and France who owe their means of existence to him, and but for him we should have to mourn the death of tens and tens of thousands of people by starvation. Mr. Hoover, I say, showed this in terms which one can not forego presenting here, in his "Report on the Economic Situation in Europe," published by the British Food Administration in the "National Food Journal," July 3 last.

This is what he says:

It must be the aim of Governments to obtain raw materials, to obtain machinery and whatever labor that production requires. Also, Governments must try and make it understood to their citizens that the maximum individual effort is at present needed. Europe no longer has a surplus of indispensable products. There are one hundred millions of men called upon to endure the lack of the necessities of life. If we wish to make revolutionary experiments, it is useless to mourn over the high cost of living, for the high cost of living is only a symptom of deficient production; it has great instructive value.

Who knows better than Mr. Hoover the value of instruction? Mr. Hoover has observed the world situation with regard to the food supply; he has been all over Europe; for four years and a half he purchased a portion of his supplies in North America and in South America; he knows the situation better than anyone else. Are we going to neglect the lessons which fall from lips so authoritatively?

All the finest speeches in the world will not in any way change either the facts or the evidence of these facts—I must say that I am touched by the noble sentiments expressed by Mr. Jouhaux, voiced in language to which I render homage, and with a correctness and a moderation which do him honor—but, I repeat, all that does not remove the impossible and does not modify the basic needs of life, before which we must necessarily bow. Public opinion has been aroused on all hands; the workingmen are interested, like the rest of the world, in seeing that misery and deprivation of necessities of life do not touch them as closely as they do ourselves. At any rate, the members of the French employers' delegation, desirous of performing their duty in such a manner as to safeguard the future and not expose their country to the direst extremities, submit these considerations of deep moral and economic import to the most serious attention of their colleagues representing workers, employers, and Governments. They beg that these considerations be not lost sight of in the course of the debate which is about to begin, and they ask that the measures taken may fulfill the expectations raised in all persons of good sense and sound judgment by our experience and by our concern for the welfare of the entire human race.

Mr. MARJORIBANKS (Great Britain). Mr. President, I fully appreciated yesterday the remarks made by you with regard to the responsibility or, I may say, the irresponsibility which was referred to, and did not intend to refute publicly the wrong impression which I fear has been created in the minds of some that the employers were not only adverse to the introduction of a 48-hour week but desired to get back some of the hours which the workers have now got for leisure. In view, however, of the speech made by Mr. Jouhaux and the resolutions put forward by him, I think it right that I should state in the same way as my friend Mr. Guérin, that the position of the majority of the employers here present, and more especially as regards the employers of Great Britain, is that they accept the principle of the 48-hour week, and are also prepared to accept the draft convention as a basis of discussion for putting forward amendments which in our opinion would avoid some of the dangers to the nations and their inhabitants which we fear are bound to arise if modifications are not introduced. The reasons for not granting immediately wholesale reductions in working hours without most careful consideration from all points of view have been most ably put forward this afternoon by Mr. Parsons and Mr. Guérin, representing important countries, Canada and France, and whose speeches we have heard.

The PRESIDENT. Sir Malcolm Delevingne.

Sir MALCOLM DELEVINGNE (Great Britain). Mr. President, I believe I should be expressing the wishes of a great majority of the members of the conference if I asked your permission to move that the general discussion on the first item of our agenda, the 8-hour day or the 48-hour week, should now close. We commenced the discussion on Tuesday and to-day is Friday. We have been at it for four days. But I recognize that the hour of closing is long past and that a number of delegates have left the room, and if you think, sir, that it would be better to postpone the motion till Monday, I should desire in that case to give notice that I propose to move the termination of the general discussion the first thing at our sitting on Monday afternoon. But if you are of opinion that the motion is now in order I would beg to move the motion now.

The PRESIDENT. You have heard the motion of Sir Malcolm Delevingne. Are you ready to vote?

Mr. CARLIER (Belgium). I call for the floor in order to give my full support to the statement just made by Mr. Marjoribanks on behalf of the great majority of employers; I do this most cordially and most explicitly.

The PRESIDENT. Dr. Nolens.

Mgr. NOLENS (Netherlands). I must oppose a motion whose object is to stop general discussion. For whole days at a time and to-day in particular we have listened to employers and employees; it seems to me that there are still other points of view to be expressed. But, Mr. President, I do not consider the moment well chosen; a large number of the delegates to the conference have already left the room under the impression that we were to adjourn at 6 o'clock, and it is now more than half past 6. I think, Mr. President, that it is inadvisable to present this motion now, and it appears to me that it would be better to give an opportunity to those who have not yet had a chance to express their opinion. Furthermore, I think that we ought to limit each speech to 15 minutes, in order to give all the Government delegates and the delegates from those countries which have perhaps not been so progressive as ours an opportunity to state their opinions on the question.

Mr. GUERIN (France). Being desirous of returning good for evil, I support Dr. Nolens' request.

The PRESIDENT. The hour of adjournment having arrived, and objection being raised to the consideration of the motion that has been presented, the conference will stand adjourned until 2.30 on Monday afternoon. The first business before the conference at that time will be the motion of Sir Malcolm Delevingne.

[Whereupon, at 6.35 o'clock p. m. an adjournment was taken to Monday, Nov. 10, 1919, at 2.30 o'clock p. m.]



The following delegates were present:

|   |  |  |  |
|---|--|--|--|
| Argentina:<br>Dr. Felipe Espil.   | Ecuador:<br>Dr. Don Rafael H. Elizalde.<br>Dr. Don Juan Cueva Garcia.  | Japan—Concluded.<br>Dr. Minoru Oka.<br>Mr. Sanji Muto.<br>Mr. Uhei Masumoto.   | Portugal:<br>Mr. José Barbosa.   |
| Belgium:<br>Mr. Michel Lévie.<br>Mr. Ernest Mahaim.<br>Mr. Jules Carlier.<br>Mr. Cornelle Mertens.  | France:<br>Mr. Arthur Fontaine.<br>Mr. Max Lazard.<br>Mr. Louis Guérin.<br>Mr. Léon Jouhaux.                                       | Netherlands:<br>Mgr. W. H. Nolens.<br>Mr. G. J. van Thienen.<br>Mr. J. A. E. Verkade.<br>Mr. J. Oudegeest.               | Roumania:<br>Mr. C. Orghidan.<br>Mr. Gregoire Michaux.   |
| Canada:<br>Mr. F. A. Acland (substitute for<br>Hon. Gideon D. Robertson).<br>Hon. Newton W. Rowell.<br>Mr. S. R. Parsons.<br>Mr. P. M. Draper.            | Great Britain:<br>Right Hon. G. N. Barnes.<br>Sir Malcolm Delevingne.<br>Mr. D. S. Marjoribanks.<br>Mr. G. H. Stuart-Bunning.      | Nicaragua:<br>Señor Don Ramon Enriquez.  | Salvador:<br>Don Salvador Sol.   |
| Chile:<br>Mr. Felix Nieto del Rio.  | Greece:<br>Mr. John Sofianopoulos.<br>Mr. Angelus Skinzopoulos.  | Norway:<br>Judge Johan Castberg.<br>Judge I. M. Lund.<br>Mr. G. Paus.<br>Mr. J. Teigen (substitute for Mr. Ole<br>Lian). | Siam:<br>Phya Prabha Karavongse.<br>Phya Chanindr Bhakdi.  |
| China:<br>Mr. Lingoh Wang.<br>Mr. Yung Kwai.  | Guatemala:<br>Mr. Francisco Sanchez Latour.<br>Dr. Ramon Bengoechea.<br>Mr. Alfredo Palomo Rodriguez.<br>Mr. Manuel Moreno.        | Panama:<br>Mr. Andres Mojica.<br>Mr. Jorge Luis Paredes.<br>Mr. Federico Calvo.<br>Mr. Jose Antomio Zubieta.             | Serbs, Croats, and Slovenes:<br>Dr. Velimir N. Stoykovich (substi-<br>tute for Dr. Slavko Y. Grouitch).          |
| Czecho-Slovakia:<br>Mr. J. Sousek.<br>Mr. Charles Spinka.<br>Mr. F. Hodacz.<br>Mr. R. Tayerle.  | India:<br>Mr. Louis James Kershaw.<br>Mr. Atul Chandra Chatterjee.<br>Mr. Alexander Robertson Murray.<br>Mr. Narayan Malhar Joshi. | Paraguay:<br>Dr. Manuel Gondra.  | South Africa:<br>Mr. H. Warrington Smyth.<br>Mr. Archibald Crawford.   |
| Colombia:<br>Dr. Carlos Adolfo Urueta.  | Italy:<br>Baron Mayor des Planches.<br>Dr. G. di Palma Castiglione (substi-<br>tute for Mr. Angiolo Cabrini).<br>Comm. E. Baroni.  | Persia:<br>Mirza Abdul Ali Khan.<br>Mirza Ali Asghar Khan.   | Spain:<br>Viscount de Eza.<br>Mr. Adolfo Gonzalez Posada.<br>Mr. Alfonso Sala.<br>Mr. Francisco Largo Caballero. |
| Cuba:<br>Mr. Luis Marino Perez (substitute for<br>Mr. Carlos Armenteros y Cardenas).<br>Mr. Francisco Carrera Justiz.<br>Mr. Luis Rosainz y de los Reyes. | Japan:<br>Mr. Eikichi Kamada.  | Peru:<br>Mr. Carlos Prevost.<br>Mr. Eduardo Higginson.<br>Mr. Vicente Gonzalez.<br>Mr. Victor A. Pujazon.                | Sweden:<br>Senator R. G. Halfred von Koch.<br>Senator Hjalmar von Sydow.<br>Mr. A. Herman Lindqvist.             |
| Denmark:<br>Mr. S. Neumann.<br>Mr. C. V. Bramsnaes.<br>Mr. C. F. Madsen.  |  | Poland:<br>Mr. Franciszek Sokal.<br>Mr. Jozef Rymer.<br>Mr. Edmund Bernatowicz.  | Switzerland:<br>Dr. Hans Sulzer.<br>Mr. Dietrich Schindler.<br>Mr. Conrad Ilg.                                   |
|   |  |  | Uruguay:<br>Dr. Jacobo Varela.   |
|   |  |  | Venezuela:<br>Dr. Don Santos A. Dominici.<br>Mr. Nicolas Veloz.  |

## TENTH SESSION—MONDAY, NOVEMBER 10, 1919.

The conference convened at 2.40 o'clock p. m., Right Hon. G. N. Barnes, Government delegate from Great Britain and vice president of the conference, presiding.

The PRESIDENT. Secretary Wilson, unfortunately, is unable to be present and has asked me to take his chair for the time being. I will now call on the secretary to read some announcements.

The SECRETARY GENERAL. You have before you—in English only—the report of the committee on applications for admission. Unfortunately, owing to the difficulties of translation, the preparation of the French version has been somewhat delayed. It is now with the printer, however, and I hope to be able to distribute it either to-night or very early to-morrow morning.

I also received last night a number of amendments, which were sent to the printer, but he has been short-handed, and they have not arrived in time for distribution at the beginning of this sitting. I expect them at 3 o'clock. They will be distributed as soon as they arrive.

The committee of selection have proposed the following to constitute the committee to examine the conditions in tropical countries with reference to the question of the hours of work. They have proceeded on the principle of giving full representation to the countries principally concerned and of adding three Government, three employers', and three workers' delegates from nontropical countries to complete the committee. The committee will be constituted as follows: China, one representative; India, three representatives—one Government, one employers', one workers'; Japan, three representatives—one Government, one employer's, one worker's; Persia, one representative; Siam, one representative; South Africa, three representatives—one Government, one employer's, one worker's; tropical America, three representatives—one Government, one employer's, one worker's; together with the following delegates from other countries: Mr. Barnes, Baron Mayor des Planches, Dr. Sulzer,

Mr. Marjoribanks, Mr. Guérin, Mr. Zaglenicznzy, Mr. Oudegeest, Mr. Baldesi, Mr. Stuart-Bunning.

In order that the three representatives for tropical America may be chosen, may I suggest that the delegates from Central and South America meet, if possible, this evening in order to make their nominations?

The PRESIDENT. The conference will now proceed to vote, please, upon the indorsement of the committee of selection. Will all those in favor please signify by holding up one hand?

[Votes counted.]

Down; are there any against?

Carried unanimously.

The CLERK. The Government delegate from Cuba informs the meeting that he is unable to attend, and if there is no objection he will be represented by Mr. Luis Marino Perez.

Dr. Hermann Rufenacht, of the Swiss delegation, is unable to attend this afternoon and will be represented by Dr. Wegmann.

The PRESIDENT. Sir Malcolm Delevingne.

Sir MALCOLM DELEVINGNE (Great Britain). On Friday afternoon I moved that the general discussion on this item of our agenda should now close. It was with some surprise that I heard Mgr. Nolens oppose that proposal, as Mgr. Nolens has always been a great friend of expedition in our proceedings. I understand, however, that Mgr. Nolens desires to place before the conference the views of his Government, and I should be the last person to wish to stand between Mgr. Nolens and the conference. If the conference therefore will allow me to do so, I desire to withdraw my motion for the closure, for, say, a short period—I suggest a period of an hour—in order to allow Mgr. Nolens, and I believe one or possibly two other delegates who wish to speak, to make their speeches. If that course is permitted me I will move ter-



mination of the debate—which I believe is generally desired by the conference—say about half past 3.

Mr. PARSONS (Canada). We didn't hear that, Mr. Chairman.

The PRESIDENT. Sir Malcolm Delevingne had the floor because he had moved the closure on Friday afternoon. But he now suggests that in consequence of Mgr. Nolens and one or two more wishing to speak, he is willing to withdraw the closure for a certain time, and he suggests an hour. Inasmuch as the closure can be moved at any time, I think it is unnecessary to have reference to an hour or any certain time, and therefore I would suggest that Sir Malcolm's proposition should be simply put in the form that he withdraws his motion for the time being. Will that be agreeable, Sir Malcolm?

Sir MALCOLM DELEVINGNE (Great Britain). Yes.

The PRESIDENT. Are you agreeable? We will take that by general assent.

Mr. MUTO (Japan). Mr. President.

The PRESIDENT. Mr. Muto.

Mr. MUTO (Japan). I rise to a point of order, which my secretary will read.

[The following was read by Mr. Muto's secretary:]

Mr. Muto proposes the amendment proposed by Mr. Jouhaux for the workers' delegates to article 9 of the draft convention which proposes the exclusion of the words "the imperfect development of industrial organization," is out of order for the reason that article 405 of clause 3 of the peace treaty provides that this "conference shall have due regard" to "the imperfect development of industrial organization" in countries where such exists, and further provides that "this conference shall suggest the modifications" required to meet the case of such countries, and therefore the said amendment to article 9 of the draft convention can not be lawfully submitted to this conference.

The PRESIDENT. It is perfectly true that article 405 of the peace treaty is mandatory and not optional in character, but this is a matter that need not be settled now. As you all know, a special committee has been created to deal with those countries for which special provision has to be made, and, therefore, it is a matter that must be settled primarily by that committee. Ultimately, if need be, it will be settled by the full conference on the report of that committee.

We will now resume general discussion. I have much pleasure in calling upon Mr. Varela, of Uruguay.

Mr. VARELA (Uruguay). Ladies and gentlemen, the great nations are not the only ones in this world. The small countries have also played an indispensable rôle in the history of humanity, and we have only to invoke the glorious name of Belgium and her immortal actions for everybody to pay her homage.

Permit me, then, to speak briefly as the representative of a country which has no great expanse of territory and is not inhabited by tens of millions of men, but a country which has tried to develop by political action its social legislation along with what is the best thing in life, the culture of the mind.

I believe that my opinion may be of interest, because while speaking in the name of a country radical in the matter of labor legislation I shall, in general, support a compromise along the line of that proposed by the committee of selection.

In the Republic of Uruguay not only the 48-hour week but also the 8-hour day has been compulsory for four years. The ideal upheld by the workers' representatives in this conference is a practical reality in my country, and I shall be happy to see it spread over the whole world. But to us it seems impossible to hope to impose it brusquely on peoples of differing races and types of mind, because our decisions will have to be ratified by the foreign parliaments or other authorities concerned. Let us therefore endeavor to arrive at balance and compromise if we wish our conventions to be anything but scraps of paper, so that they may truly bring a little rest and hope to all the nations.

As for ourselves, we have decided to keep our laws, because, the distinguished representative from Sweden to the contrary notwithstanding, I believe we are entitled, according to the last paragraph of article 405 of the peace treaty, to retain previous legislation,

provided that it be to greater advantage of workers than the international convention.

Fixing the limit of the working-day originally stirred up tremendous controversies in my country. From 1906, when it was proposed to Parliament by President Batlle, until 1915, when it was promulgated by President Viera, the proposal was examined from every side and, I must confess, provoked bitter criticism from one party.

The same story could doubtless be told by many of our colleagues, and if I recall to you contests so unoriginal between conservatives and radicals, it is for the purpose of drawing attention to the fact that once the reform became an established custom it was accepted by those very people who previously opposed it, and is to-day recognized as profitable by the great majority of our fellow citizens.

An excellent philosophy can be drawn from this simple fact. It is a modest example which I offer to the enlightened reflection of my colleagues, as I have already had occasion to do at Paris as plenipotentiary to the peace conference. The prosperity and wealth of our country are greater than ever to-day, its industries more extensively developed, and I can say that we are not afraid of rivalry from countries who are in the same position as we.

I know that the exigencies of great industrial countries are different, but I believe that nations on the same level with us can profit from our experience. We believe that in the present state of civilization the principle of the 8-hour day or the 48-hour week should be adopted immediately, but with a well-defined resolution to improve our conventions in the future and to establish a universal regulation for the 8-hour day.

We believe that all men should have leisure for intellectual and moral development. Production itself will benefit in the course of time from a more widespread diffusion of culture. Even if justice did not commend this formula, the interests of civilization should urge it. This reform, together with other measures, I will not say of protection, but of social right, will contribute toward safeguarding for the world the democratic institutions so dear to many of us. I am not one of those who think that these reforms will put an end to the demands of labor. I should be a poor psychologist if I thought so, because the desire for improvement is for the good of humanity, and should be inextinguishable in minds enlightened by culture. But we know that claims and conquests operate and are achieved through legal channels and not by means of revolutionary movements, which I, for my part, heartily condemn, because I do not believe that in the present state of society they attain anything permanent or fruitful.

Quotations, Mr. President, are not in the best taste, but you will forgive me for concluding with a quotation. If we take up a draft like that recommended by the commission we shall be able to repeat the immortal words of Waldeck-Rousseau: "We have done our duty; time will do its work." [Applause].

Mr. CALVO (Panama). The regulation of the 8-hour workday and the 48-hour week is not a fanciful dogma but the result of much experience and the fruit of scientific observations, carried out by means of the ergograph, an apparatus intended to measure the degree of fatigue and the resistance of individuals in accordance with the calories which they have stored up through sufficient nourishment.

For this reason it is not necessary to enter upon arbitrary disquisitions nor to suppose that such a regulation is going to disturb social and economic life. The 8-hour workday and 48-hour week is a regulation of a world-wide character, and one which results disadvantageously neither in temperate nor in tropical countries.

With regard to production, assurance can well be given that if all the men performed productive labor, and if there were not in the organizations so many parasitic brotherhoods, who work only four hours, we could very well produce all that is necessary to meet the requirements of consumption, without having to commit the cowardice of making mothers, old people, and children work.

On the other hand, the production of a country does not have to go beyond the necessities of domestic consumption. To wish to



produce more than is necessary is to seek the great complication of crises through excess production. If a country devastated and depopulated by the war desires to establish its production on the same conditions as before, it has not to augment the number of hours in the time of the workers but to increase primarily the number of its population.

And in proportion as this population increases, in the same proportion will production increase, because it is axiomatic that production is correlative with consumption, as the latter is correlative with the number of inhabitants. Do not forget that international commerce differs essentially from domestic commerce, as the eminent French economist, Charles Gide, has demonstrated. A country exports in order to import what it can not produce itself, but in any case in order to make profit. From this it follows that the countries which export much have to import much, and those which export little have to import little.

For all these reasons I suggest to the delegates of the Latin-American nations that they declare themselves in favor of the regulation of 8 hours' work a day and a 48-hour week in general.

The PRESIDENT. Mgr. Nolens.

Mgr. NOLENS (Netherlands). Mr. President, ladies, and gentlemen, in the first place I thank the conference for the consideration given the small States. I hope that it is a sign that a similar attitude will be maintained in regard to other matters in the future.

As the Government delegate from a country whose legislation goes further than the draft of the organizing committee, further than the proposals of the employers' delegates, and, in the most essential point, even further than the amendments of the workers' delegates (an amendment which constitutes a new proposal rather than an amendment), I wish to submit certain considerations to the conference.

We hope that the practical, concrete, and definite result of this conference will be a convention which will have the approval of all present and future members of the League of Nations. But already we realize, as a matter of incalculable moral importance, that whatever our differences, we have here for the first time the expression, the synthesis, may I say, of international public opinion; not only of the workers', but also of the employers' and Government representatives, in favor of limiting the duration of adult labor.

It may be observed that a long time—too long a time—passed before the public conscience was awakened. I need only mention the fact that it was nearly 30 years ago that the papal encyclical "De Rerum Novarum" contributed so considerably and powerfully toward changing public opinion that it may be said to have made contributions which can not be expressed in mathematical terms, but which can be appraised and appreciated by those who, like myself, have been able during these 30 years to follow the changes of opinion, not only of Catholic employers but of everybody concerned with the labor question.

At the present time it is an accomplished fact (1) that the 8-hour day is in force in many industries; (2) that it is adopted by law in several countries; and (3) that it is accepted as a principle by a conference of Government, workers', and employers' delegates from more than 30 countries in different parts of the world.

The question is now deemed ready for treatment in the international field, by the most prudent as well as the most hesitant. In his book entitled "The Eight-Hour Day," Mr. de Morsier, an authority on the question with which we are concerned—it may be seen that I am careful to consult the conservative—says: "The law can not pretend to impose a reform which, without previous experience, might cause very doubtful consequences."

Instead, the law must seek to base itself upon a firm foundation of public opinion, such as is already beginning to assume definite and concrete form.

Mr. President, a firm foundation of public opinion is taking shape the whole world over, in a general and definite fashion among economists, ethical writers, and among even the least progressive employers, as well as among the workers. Realization has not only

begun, but it has made tremendous progress, and is making even greater strides every day. It is only a question of making the measure a general one to give its benefits the fullest scope. For us, it is a question of consolidating the results of progress and equitably distributing them. Being agreed on the principle, we now have to decide on the method of its application. As a cautious man, I must admit that it is not to be denied that account must be taken of the exigencies of modern economic life and the present situation which necessitate exceptions, and which make certain transitional measures inevitable, particularly within the field in question. Distinction must be made between the absolute ideal and the method of its realization.

This practical application of the ideal depends in a large measure on the aim which is proposed and on prevalent motives, and therefore I will take the liberty of taking a few more minutes to explain the motive as understood by the Dutch legislator.

There is the economic motive which has been prevalent for a long time, which was the only motive for a good many persons, and which perhaps still is for some; that is, that the bodily strength of the worker has limits of endurance which vary according to the kind of employment, but beyond which it is contrary to the principle of efficiency to go. Work beyond these limits is detrimental and injurious not only to the worker himself, but also to future generations, when one takes into account human vitality and the energy of the people, the most important and noble part of economic capital. This is not the highest motive, and yet from this motive alone, which takes the point of view of the effort required and the fatigue involved, will work ever be limited. There exists another motive, of a social and ethical character, which in these days has been raised to the first place. There was a period during which in almost all countries it seemed to be forgotten both in economic life and in the government of the country that man was not a machine to be worked, but a rational, moral, and intellectual being, made in the image of God, and having, by his nature and destiny, faculties and requirements which need time and leisure for their development, improvement, and satisfaction.

To quote the words of the peace treaty, it has been forgotten "that labor should not be regarded merely as a commodity or article of commerce." It also seems to have been forgotten—and those who are old enough will remember this—that our economic life, in no matter what shape, exists for the express benefit of man, including the worker in modern industry; and that economic work in the widest sense of the word, as well as manual labor itself, is a means to an end and not the end itself. The chief aim, the first aim of labor is described in the clear-cut style of St. Thomas Aquinas, *ad victum quaerendum*.

At the present time, thanks to the influence of the teachings of the papal encyclical "De Rerum Novarum" first spread among the Catholics, a general conviction is prevalent that the worker should have the necessary time and leisure not only to maintain health, but also to do his duty and exercise his rights as an intelligent, religious, intellectual, moral, and social being. This twofold motive was the inspiration of the peace treaty which is the basis of our conference, the report of which says the object is "to protect workers from excessive fatigue, and also to insure them reasonable leisure as well as opportunities for recreation and a normal life."

Dutch legislation has been guided by this twofold motive. The upper chamber, which might be called the most conservative part of our Parliament, has just unanimously passed a new labor law which will probably come into force the 1st of next January. This law, which includes the inevitable temporary provisions of such legislation, states in the first place that 14 years is the age for the admission of children to employment. Children under 16 have been prohibited from working in mines ever since 1906. The age of the so-called adolescent workers is raised to 18. As a general rule work on Sundays and night work are prohibited, and the time of the duration of labor in industrial establishments, bakeries, and commercial offices is limited to 8 hours per day and 48 hours per week. This is



the logical solution if the weekly rest is taken into consideration, as well as the general principles contained in article 427 of the peace treaty.

If we wish to comply with part 13 of the peace treaty which deals with the question we are discussing; if we wish to uphold these principles, namely, determination not only of the maximum duration of the working week, but also of the working day; and if we wish the so-called English week already adopted in many establishments in our country, it goes without saying, Mr. President, that in the preparation and discussion of this law the same objections will be encountered which have been so well and eloquently repeated in this assembly, particularly the objection that this measure would injure production.

I shall not prolong this speech, but shall note only a few points. It has been estimated in the first place that, judging from experience, injury to production would not result in the case of a great variety of trades and industries; in the second place that this kind of argument always presupposes that the work should be done by the same number of workers, in the same situation, and with the same means; in the third place, on the other hand, that there is an abundance of labor available in many countries as proved by the existence of unemployment; and in the fourth place, that it is quite true that many of these unemployed persons are not fitted for work in these establishments; the decrease in working hours, to which this law looks, would necessitate an increase in the number of workers; but as a general thing, the industries will have time in which to adapt themselves practically to the new situation by means of technical education on one hand and improvement of machinery on the other. In the fifth place, a question may be raised as to which is more worth while from the point of view of production, stability, and continuity in industrial labor—limited working hours, which we hope to realize by our law on this subject, or longer working hours with the uncertainty and interruptions caused by strikes which grow more and more menacing.

But, Mr. President—and I wish to call the special attention of the assembly to this point—the wise Dutch legislator was aware of the fact that it would injure the cause if an attempt were made to put the law into operation at once, without allowing industry time in which to adapt itself to the prescribed regulations. That is the reason for articles 26 and 27 in this splendid law, which contain temporary provisions with regard to labor in factories and workshops. According to article 26, the minister, through the medium of a labor commission which is to be established, and to which both workers and employers will belong, may allow for two years at most after the law enters into operation a worker in a factory or workshop to work one additional hour per day or five per week, etc.

By virtue of article 27 permission may be granted by governmental regulation, for four years after the law takes effect, allowing workers employed in specified industries or engaged in specified classes of work, or in work to be executed under specified conditions, to work in factories and workshops for two additional hours per day and 6 hours per week over and above the time allowed by article 24, paragraph 1; and one additional hour per day and five per week above the time prescribed in article 25, paragraph 1 (a).

To sum up—for I do not wish to take up too much of the assembly's time—I should like to say, in the first place, that in the phase assumed by the discussion, our delegation, in order to simplify the debate, will propose no amendment on the subject of the 54 hours.

In the second place, the last stipulation of the draft of the organizing committee seems to me too rigid when it says, article 11:

The provisions of this convention shall be brought into force not later than July 1, 1921.

It was judged necessary in our country at least to have the privilege of granting longer transition periods. This permission naturally must not be abused. It will be restricted by agreement between the workers and the employers themselves, and it will be

an exception. It is obvious that in those countries which suffered directly from the war—ours suffered enormously, but indirectly—in the destruction of their factories, etc., the necessity of this privilege is at least as great.

Mr. GUERIN (France). Hear! hear!

Mgr. NOLENS (Netherlands). That is our motive in proposing the following amendment:

The provisions of this convention shall be brought into force not later than January 1, 1921.

As a transitional provision it shall be possible, until no later than January 1, 1924, by governmental regulation, for workers in certain branches of industry, or workers employed under circumstances defined in this regulation, to work not more than 10 hours per day or 55 hours per week.

In the third and last place, and I will end here, the conference has before it three drafts. It seems to me that it would be very difficult to discuss them in a plenary session in a parliamentary manner, and that it would be better to put them in the hands of a small committee, consisting of members of the organizing committee and a few members of the workers' group and a few from the employers' group, who are responsible for the concurrent proposals.

Thus there are, so to speak, three courses toward the same end. It is the duty of reasonable people to find the fair average.

Mr. GUERIN (France). In a quarter of an hour?

Mgr. NOLENS (Netherlands). The convention which should be the concrete result of this conference may be considered as a frame—slightly too large in the opinion of many of us, particularly because it leaves room for so many exceptions, and also because it embraces industrial establishments only—but at any rate a frame beyond which the States signatories may not go, within the limits of which their labor legislation must be confined; a frame which may be reduced in size, if you will, by subsequent conferences, and within which each country may make stricter regulations, collective contracts, and national legislation.

Mr. President, ladies and gentlemen, I will conclude by expressing the wish of the Dutch people taking part in this conference, who meet with so many reminders of Holland in this glorious Republic even in the names of the cities and towns, who boast that New York was once New Amsterdam—I repeat, I will conclude with the wish that the draft convention, amended and improved if possible, may be unanimously accepted. It will be a step, an important step, toward the desired economic and industrial peace. It will also be a satisfaction to the authors of the League of Nations, particularly to the principal author, who is happily recovering, not far from here, from the results of his almost superhuman fatigue. It will be a satisfaction to see the first fruit and perhaps the most valuable fruit of one of its organizations, the labor conference, ripened and plucked on American soil, in the center of American political life, the beautiful and spacious city which bears the name of one of the greatest figures in human history. [Applause.]

Sir MALCOLM DELEIVINGNE (Great Britain). The speech of Mr. Nolens has taken up, I am afraid, considerably longer time than the conference expected. It is now well on to 4 o'clock and the conference has a good deal of business still to do before it adjourns. Would it be the pleasure of the conference if, without waiting for the translation of Mr. Nolens' speech, I now move the termination of the general discussion. Mr. Nolens' speech will appear both in French and in English in the printed proceedings of this conference, and if the conference were willing I should like to move at once the termination of the general discussion, so that we might get on to the other business.

Mr. MERTENS (Belgium). Mr. President—

The PRESIDENT. Is it a point of order?

Mr. MERTENS (Belgium). Yes.

The PRESIDENT. I am going to proceed to take the sense of the conference on Sir Malcolm Delevingne's motion, but if there is any point of order on that motion, I will take that, or one speech is allowed against an order for the closure. Consequently, if our friend wants to speak to a point of order, or against an order, he may do so.



Mr. MERTENS (Belgium). Gentlemen, in order to avoid the closing of discussion before the workers have had an opportunity to say what they think, I have called for the floor, to speak against the motion of Sir Malcolm Delevingne.

Mr. President, like Dr. Nolens and perhaps many others among us, I think we have reached what is probably the most critical moment of the conference, and it is at this critical moment that we must carefully define the attitude which we are going to take toward one another and also toward those who have sent us here.

I think, with Sir Malcolm Delevingne, that it is impossible to drag this discussion on forever, and that we must come to a decision. There are many here who must return to their own countries in a few days, and it is not possible for us to return home before the conference has given a tangible solution to the draft which is now on the agenda of this conference.

Before defining the attitude of the workers, I request your permission to take up a few points in the speeches which were made last Friday after the very moderate statements of Mr. Jouhaux, who was speaking on behalf of the workers.

Mr. CRAWFORD (South Africa). Mr. Chairman, a point of order.

The PRESIDENT. I am rising to a point of order. The motion before the conference is the closure. One speech and only one speech is allowed against the closure, and the speech ought to be confined to arguments as to why the closure should or should not be ordered, and I am here only temporarily, in place of the chairman who is unable to be present to-day, and I hope the delegates will not take advantage of the fact of our chairman's absence. I have given you the standing orders as far as I understand them.

Mr. CRAWFORD (South Africa). On a point of order, Mr. Chairman, I wish to ask whether the motion of Sir Malcolm Delevingne against which Mr. Mertens is speaking is in order, in view of article 11, the second paragraph, of the draft standing orders. The paragraph I refer to reads as follows:

Speeches in French shall be summarized in English, and vice versa, by an interpreter belonging to the secretariat of the conference.

"Shall be." I submit this is a very dangerous proceeding, to pass any speaker's remarks without translating.

The PRESIDENT. I can scarcely see the relevance of Mr. Crawford's point of order. It is quite true it has been said, "Speeches in French shall be summarized in English, and vice versa, by an interpreter belonging to the secretariat of the conference," but I can scarcely see the relevance of that to the motion now before the house.

Mr. CRAWFORD (South Africa). My point, Mr. Chairman, was that that motion was not in order until the translation of Dr. Nolens's remarks had been made.

The PRESIDENT. Oh, I see. My ruling upon that is that the motion is perfectly in order. Under article 14, it reads as follows:

A delegate may at any time move the closure of the discussion, whether other delegates have signified their wish to speak or not. If application is made for permission to speak against the closure, it may only be accorded to a single speaker.

Therefore, I rule that the literal meaning of the words "may at any time move the closure" justifies Sir Malcolm in moving the closure, justifies me in taking it, and in limiting further speeches to one speech against the closure.

Mr. CRAWFORD (South Africa). Might I ask a question on your ruling? Does that mean the closure can be moved in the middle of any speaker's remarks; and if your reply is that it can not be moved in the middle of a speech, then is a speech concluded until the translation is submitted to the conference?

The PRESIDENT. Yes. My ruling is that the speech is concluded, notwithstanding that no interpretation has been given. Moreover, Sir Malcolm is perfectly in order in moving, inasmuch as it states here that "a delegate may at any time." As a matter of fact, he might move it in the middle of a speech, and the chairman would be quite justified in taking it.

Mr. DRAPER (Canada). Mr. Chairman, one point, please. I just wanted to remark briefly, Mr. President, if I understand your statement correctly, that it is that Sir Malcolm Delevingne or any other delegate may move a closure in the middle of a speech or debate. Now I do not follow that, because when a delegate has the floor you can not recognize another delegate until he has taken his seat, unless he has moved for a point of order.

We are anxious to get down to this matter, but I can not follow your ruling in that particular respect.

The PRESIDENT. That question has not arisen, Mr. Draper. The speaker had concluded his speech and thereafter he vacated the floor, and Sir Malcolm Delevingne attracted my attention.

Therefore the question as to moving the closure in the middle of a speech has not arisen. I have not ruled that. I gave it as my opinion that it might be done, but the question has not arisen.

Mr. MERTENS (Belgium). I was saying, Mr. President, that it is necessary to take up certain statements made here by the spokesman of the employers. It is all the more necessary to do this now, since Sir Malcolm Delevingne proposes to close the debate without the conference having had an opportunity to express its sentiments on the very principle of the topic which is on the agenda. For this reason it is necessary for us to oppose Mr. Delevingne's motion. In fact, it seems as if many delegates here present do not know the reasons which bring us here, and it seems that many have not read the introduction to part 13 of the peace treaty, which has reference to the labor organization. I do not wish to read that part here, but you must understand that it is necessary, since the Peace Conference, and the Supreme Allied Council afterwards, rendered decisions which have been so often appealed to in this very assembly, you must understand, I say, that it is necessary for us to put into execution the decisions of the conference at Versailles and the decisions made by the Supreme Allied Council.

The PRESIDENT (interrupting). Just a moment, please. While I am in this chair I am going to have matters conducted according to the standing orders, if I can; and if any departure is to be made from the standing orders, then I must have the sanction of the conference for it.

The standing order is perfectly explicit. If the closure is moved, one speech and one speech only is allowed, and that speech must be directed to the matter of the closure and nothing else. Now, Mr. Mertens is applying himself to something quite aside from the motion before the meeting, and if that is to be allowed, I will take a vote from the conference, aye or nay. The closure is moved. Shall we suspend the closure until such time as Mr. Mertens makes his speech? That is the motion now before the meeting.

Mr. MERTENS (Belgium). I shall close briefly and you shall have full and complete satisfaction.

Therefore, I invite the attention of the assembly to the fact that the Supreme Allied Council inserted as the first topic on the agenda of this conference, not the principle of the 8-hour day and the 48-hour week, but it set down for the first topic the application of the principle of the 8-hour day and the 48-hour week.

Mr. JOUHAUX (France). I ask for a word. I ask whether it is possible at the present stage of the discussion to vote on a motion for limiting debate, on a motion of closure of the general discussion, which would exclude all those who, their names being on the list, have certain views to set forth upon the ideas which were stated previous to their being interrupted.

The PRESIDENT. Now, I do not want to take a vote on the closure at all; I simply want to put myself and the conference in order according to our standing orders, to which you have assented. My duty here is to keep the conference in accordance with these standing orders. As I have pointed out, the closure has been moved; one speech is allowed against the closure, and only one. Mr. Mertens now is not speaking against the closure; but I have no feeling in the matter. If the conference desires Mr. Mertens to be heard, well and good; I have no objection, but let the conference say so.



Mr. CRAWFORD (South Africa). Would not the conference decide whether Mr. Mertens should speak on the general question in voting on Sir Malcolm Delevingne's motion, and therefore it is not in order to speak on any other proposition than that—I mean, other than that Mr. Mertens wants to speak on the general question?

The PRESIDENT. Well, now, that may be so. But you see I have to conduct the conference according to standing orders, and what I want now to do is to put as simple a proposition as I can to the meeting, and the proposition is, Will Mr. Mertens be heard, notwithstanding that there is a motion now before the house? Will you vote on that now? Those in favor of Mr. Mertens' being heard please signify by holding up one hand.

Mr. MERTENS (Belgium). Why, no, I am speaking on the motion. I am setting forth my reasons for being against closure.

The PRESIDENT. Those in favor please signify by holding up one hand.

[Votes counted.]

Those against, please.

[Votes counted.]

The vote is 38 in favor of Mr. Mertens continuing his speech and 28 against. Mr. Mertens.

Mr. MERTENS (Belgium). First of all I want to draw attention, Mr. President, to the fact that I am speaking against the motion of Sir Malcolm Delevingne, because it does not satisfy me. Sir Malcolm Delevingne proposes to close the debate without our having voted on the principle of the question itself, and that is the reason for which I object to the proposed agenda. Now I shall continue.

Mr. MARJORIBANKS (Great Britain). A point of order. Ought we not, now that it is decided that Mr. Mertens is to be heard, and he is going to speak generally on the general discussion, to hear the translation of M. Nolens' speech?

The PRESIDENT. I am afraid it has gone beyond that, Mr. Marjoribanks.

Mr. MERTENS (Belgium). For this reason, ladies and gentlemen, it is necessary to set forth our point of view and to take up the arguments presented here by the employers. They tell us it is impossible to enforce the eight-hour day. And just now again Dr. Nolens came and told us that in his country social legislation is so far advanced that it even anticipates the proposal made by the workers to this conference. It gives me pleasure, through this remark of Dr. Nolens, to establish the fact that the workers have given a proof of their confidence in the conference itself in hopes of being able to arrive at something in the end.

Among the arguments which the employers have called to their support are many which have a semblance of reason, and occasionally some which are justified. But they invoke in particular the disasters, the ruin, and the devastation caused by the war. I desire to remind you in this assembly that it is not the fault of the workers, and that the workers, who have been organized for many years, have always struggled against the militarism which brought upon us the terrible war from which we suffered for four years and a half. [Applause.] I desire also to point out that several of the leaders of the trades-union movements have had to pay with their liberty and their life for their struggles against militarism.

Mr. GUERIN (France). We have, also.

Mr. JOUHAUX (France). Years in prison, when we were protesting against it.

Mr. MERTENS (Belgium). They speak also of the lack of production, etc. The workers' spokesman pointed it out last week. We, too, want to increase production, and for that reason we want to cooperate with our employers in order to reach that state of production which is necessary to the very life of the human race. And why? Because, otherwise, we know that we can not attain the goal which was set for us by the conference itself.

I venture to take up a phrase uttered here by Mr. Guérin, who said: "To work and at the same time to limit ourselves, that is our duty." I am agreed, Mr. Guérin, that we must work, and I can say on behalf of the workers here present that I think we have worked

during our lifetime, and that while several of those who are present at this conference were spending many years in universities and schools, we were in the workshop and were already at work on behalf of all humanity. I am willing to admit that among the employers and among those who represent the Governments there are some who have had to experience hard times, but their work has allowed them to live comfortably notwithstanding, while in the working class, whatever may be done, the workingman can not make both ends meet and can not provide for the needs of his household, his wife, and his children.

Therefore, in affirming the necessity of working, Mr. Guérin cited a phrase of Mr. Hoover; I, too, desire to take the liberty of citing a phrase from the same report of Mr. Hoover, in which he says that more than 15,000,000 families in Europe receive unemployment allowances from their Governments. Fifteen million families which can not work, and yet ask nothing better than to work in order to live properly! Then let the Government, in accord with employers and workers, do what is necessary to give work to these workingmen, who are still without work at present, and if there are any transformations to be made such as Dr. Nolens was speaking of just now, let them be made. It is perhaps of interest to point out the fact that here in the United States, where the sale and consumption of alcoholic drinks has been suppressed, in six months' time the liquor distilleries have been transformed so as to manufacture articles which are useful to mankind.

I will say this: If we must work, let us begin with this transformation and let all those be set to work who ask no better than to earn bread for their children by their productive labor.

The words "to limit ourselves" have been used. Mr. Guérin has just said that he did not mean to limit ourselves in real necessities, but in luxuries. Agreed, but even in the case of real necessities, Mr. Guérin, let us take the example of Belgium, which I know particularly well; the fact is established that what we paid a franc for before the war cost us 3 francs 54 last July; thus, an increase of 2 francs 54. And at the same time we see the terrible struggle that the workmen have had to make; the increase in wages has been 100 per cent, or at the most 150 to 175 per cent. Given the fact that before the war they did not get enough to live on properly, how do you expect them to live properly now and yet limit themselves still more in the real necessities of life?

I desired to point this out to the assembly merely to show that the solution of this problem—the problem of limiting itself more than it has done thus far—is not easy for the working class.

Now I come to this very important point in the declarations of the employers. I desire to take up the statement of Mr. Parsons, and I hope that he will not be followed by his colleagues of the Canadian Government. In fact, Mr. Parsons said: "We Canadians can not sign this convention because America has not yet signed the peace treaty." I ask you what is going to happen to our convention if each member of the League of Nations, each member of the International Labor Conference, has the right to say: "If the decision which has just been made does not please me, I shall not support it, because such and such a country has not yet enforced it." Thus, if we are all to reason in this way, we can take our hats and go back to our countries, because no cooperation is possible in this conference. It is my opinion that all those who are affiliated with the League of Nations, in their position as members of that league, ought to submit to the decisions of the International Labor Conference, that all countries should carry them out faithfully and honestly. And I hope that before the end of the conference the Canadian employers will speak differently from the way in which Mr. Parsons spoke to-day.

I think that the time has come to recall what Dr. Nolens said not long ago and what Mr. Barnes recalled in his opening speech on the question which is included in the peace treaty, i. e., the affirmation that labor is no longer to be considered as a mere commodity, but must be considered as something belonging to all mankind. Therefore, once for all, ladies and gentlemen, the conference must



say to-day whether or not it is agreed on the principle of the 8-hour day and the 48-hour week; whether or not, instead of debating the principle, it desires to take concrete action, and whether it desires to enforce these principles resolutely. In my opinion, a categorical declaration is needed before we can subscribe to the closure of debate; the assembly must say whether or not the application in practice of this principle is to be discussed in the proposed committee.

Once this principle has been admitted here, we shall willingly subscribe to the proposal of the committee which will have studied the methods of its enforcement because we do not wish to be as stubborn as all that. We know that in several countries it will be difficult to enforce immediately what one would like to put into effect; for that reason we have asked that a date be fixed at which the decisions of the present conference shall be enforced, even for the 8-hour day and the English week, i. e., the 48-hour week.

It is evident that for the enforcement of this an understanding will have to be brought about in each country between Government, employers, and workers, in order to come to an agreement, because I think that in a conference like this it is not possible to promulgate legislation which shall be applicable to all countries indiscriminately. I say therefore that the only thing which can not be admitted is the delay in the enforcement of this principle until 1924, the principles which they would like to have admitted to-day. For that reason, we workers request today's assembly to be clear, exact, and precise, and that it declare itself in such a way that the workingmen may know where they stand. Let us not forget, ladies and gentleman, that in all civilized countries the workingmen are expecting a great deal from this conference, in which they have placed all their hopes.

They have the conviction that their attitude during the war and since its termination entitles them to different treatment. They desire to lay aside their anxiety. We are waiting for the employers' delegates and the Government delegates to permit the delegates here present to take a definite stand and to find out whether their presence here is of any use whatsoever.

Serious changes are taking place among the masses, ladies and gentlemen; the entire mass is stirring and moving. Look at the news which comes to us from Germany, and even France; look closer at hand, round about you here, at what is happening in this very country, and you will come to the conclusion that in order to calm the working classes which are laboring, suffering, and dying, we must depart from here with a decision which will bring about a reign of tranquillity, peace, and comfort throughout the world.

Mr. SHAW (Great Britain). I beg leave, Mr. Chairman, now to move the close of the general debate. We have heard the employers' statements and we have heard the statements of the workers; and we have heard statements made by employers' delegates; we have heard the reply of Mr. Mertens; we have also heard statements of various Government delegates.

Mr. CRAWFORD (South Africa). Point of order.

The PRESIDENT. Point of order?

Mr. CRAWFORD (South Africa). Yes; point of order. Is he speaking in order, in speaking?

The PRESIDENT. Oh, quite.

Mr. CRAWFORD (South Africa). I understood there was only one speech—

The PRESIDENT. I ruled the motion of Sir Malcolm Delevingne was withdrawn, and therefore if closure was to be moved, it would have to be moved again.

Mr. SHAW (Great Britain). I am only going to say this, Mr. Chairman, and I want the interpreter to interpret it very carefully. I am tired of listening to general discussions, and I want some work done.

The PRESIDENT. Closure is moved.

Mr. ILG (Switzerland). Mr. President—

The PRESIDENT. Do you want to speak against the closure, and only that? You are in order in speaking against the closure, but on nothing else.

Mr. ILG (Switzerland). Ladies and gentlemen, I urge that we do not accept the proposed closure. It seems to me that it would be absolutely unjust. A moment ago the president, with the consent of the conference, allowed Mr. Mertens to speak not only against the motion, but even on the subject under discussion.

Mr. Mertens was not listed as a speaker; there are others whose names came before his. It seems to me then that it would be unjust, since one exception has already been made, not to continue making others. On the other hand, although the discussion on the 8-hour day and the 48-hour week has already lasted several days, I consider that there are further arguments which the conference has not yet discussed, which may perhaps be the main arguments, and that the conference ought to hear them. In fact, it is not so much a question of lessening the working hours, as a moral question to which the conference can well give another day for discussion. For these reasons I urge the rejection of the motion for closure; let the discussion continue freely.

The PRESIDENT. I am now going to take a vote, ladies and gentlemen, on the closure, and I would desire delegates to sit in their places so that their votes may be taken in an orderly manner and so there may be no mistake on the part of the tellers as to taking votes.

Now, the motion is that the general discussion be now terminated.

Mr. Carlier, of Belgium, has suggested that I take a record vote. Provision is made for taking a record vote only when 20 delegates signify their wish that it is to be taken, and I think it has to be in writing.

Mr. CRAWFORD (South Africa). That is not the only provision made.

The PRESIDENT. What is the other provision? I think I shall be voicing the sense of the conference if I take the vote by a show of hands.

It is true that it states that a record vote shall be taken in all cases where a majority of two-thirds of the votes is required, or if there is any doubt. Neither of those conditions is present here. So I think I shall now proceed to take a vote for the closure and against the closure.

Now, will all those in favor of the closure please signify it by raising one hand.

[Show of hands.]

Down. Against the closure.

[Show of hands.]

The vote is 64 in favor of the closure and 19 against.

I therefore declare the closure carried and the general discussion now closed.

Mr. ROWELL (Canada). Mr. President.

The PRESIDENT. Mr. Rowell, of Canada.

Mr. ROWELL (Canada). Now that the general discussion has closed, it is the duty of the conference to deal with the actual proposals for a convention on the question of an 8-hour day or a 48-hour week. The question now before us, and upon which I wish to make a few observations to the conference, is that of procedure. How can we proceed in the most satisfactory way to reach an intelligent conclusion on the important matters now before us? There are two possible methods of procedure. We might take up the convention, clause by clause, and consider the amendments proposed by the employers on the one hand and by the employees on the other—

The PRESIDENT. Might I interrupt you a moment, Mr. Rowell? A motion is now on the order paper in the name of Mr. Jouhaux. If you are now going to move something with reference to procedure, you are in order. I wish you would just state that fact.

Mr. ROWELL (Canada). Perhaps the chairman overlooked it, but I stated it was a question of procedure.

The PRESIDENT. Oh, I beg your pardon.

Mr. ROWELL (Canada). And that is the nature of the motion I desire to submit to the conference. I was just pointing out that there were two methods of procedure, either to endeavor to consider



all these amendments here in the open conference or for the conference to name a commission to which might be referred the draft convention and all the amendments proposed both by employers and employees and by any Governments that have made specific suggestions. The motion I desire to submit to the conference is that we should adopt the latter of the two courses suggested, and I shall read the motion, which is to be seconded by M. Fontaine, and then I shall give a few reasons why I think the conference should adopt the procedure suggested.

The motion which I propose is as follows:

*Resolved*, That the draft convention and the proposed amendments submitted by the employers, employees, and Governments be referred to a commission, to be appointed, for consideration and report.

Mr. President, in support of the proposed resolution I desire to give two or three reasons. I am sure the members of this conference, no matter whether they represent Government, employers, or employees are sincerely desirous of securing a real practical result from the deliberations of this conference. I agree with what has been said, that if this conference should fail to take any real step in advance which would indicate to the industrial workers in the different industrial countries in the world that this conference was not going to live up to the spirit of the peace treaty, you would create discouragement among the workers of the world in all industrial countries. On the other hand, if this conference should adopt a line of action which the employers of the industrial countries generally would feel would put them in such a position that they could not satisfactorily continue their business operations, I fear we could not secure the adoption of the convention by the different nations even after this conference passed it. Therefore I submit, Mr. President, that the object of the conference should be to seek to secure a convention which would seek to do reasonable justice to both employees and employers; to seek to secure a convention which would carry by the necessary two-thirds vote, which it must receive before it is sanctioned by this conference, when it is put in final form; to secure the adoption of a convention which, when sanctioned by the conference and transmitted to the respective Governments, might secure the adherence of these Governments.

For what we desire here is not so much the expression of certain ideals or certain hopes, important as these ideals and hopes are, but what we desire to secure here is an actual convention, an actual agreement, which will be ratified by the necessary vote of the conference, and which will be adopted by the industrial nations of the world, members of the conference, when remitted to them for action. Therefore, in deciding on our procedure, we should always have in view the object we are seeking to attain.

Mr. Chairman, we, I am sure, all keep in view the fact that whereas we have had the views presented from the standpoint of employers and employees, the Governments in question represent the whole people and they must consider the matter in its social aspects as well. I do not think the Governments should use their power in this conference to give a decision in favor of one side or the other, unless all efforts at reaching common ground after a frank discussion in the commission should be without avail.

I have confidence, Mr. President, that if employers and employees and representatives of the Governments, a limited number, were to get together on a commission, seated around a table, with this draft convention before them and with the amendments proposed by each side, and were to seek to work out a reasonable, workable convention, they would succeed in doing so. They must succeed in doing so.

We must not permit this conference to be a failure. We must recognize that we can not go back to the old conditions that existed before the war. We must recognize that, important as production is—and I do not think too much has been said about the importance of production, and I do not think too much has been said about thrift and economy—we will not secure the maximum of production nor will we secure the economic results which we all desire to see, unless the workers in all our countries feel that justice has been

done them and that they are starting out in a newer and better era in connection with the world's progress. [Applause.]

And as I believe, Mr. President, that that is the desire of the members of this conference, I believe if they get together in that spirit in a commission, meet each other face to face and frankly talk this matter out, they will be able to reach a conclusion which will make this conference mark a new era, not only in industrial relations in the different nations of the world, but a new era for the toiling masses in all the countries of the world.

Therefore, Mr. President, I beg to move the resolution which has already been read and commend it to the sympathetic consideration of the conference. [Applause.]

The PRESIDENT. Mr. Fontaine.

Mr. FONTAINE (France). If I support the motion of Mr. Rowell to refer the continuance of the debate to a commission, it is because I think that the principle itself of the 8-hour day or the 48-hour week is absolutely gained and therefore beside the question. [Applause.] The principle of the 8-hour day or the 48-hour week is in the peace treaty; most of the countries of Europe have incorporated it into their legislation, the French Government has done this and has enforced it throughout its territory, it intends to stand by it, and it is my mission to defend the principle of the law which the French Government has put through and has enforced.

But, this being said, and the principle being beside the question—and I think that Mr. Rowell's intention, like mine, if I may judge by the discussions which took place this morning within the group of Government delegates, is not in the least to dismiss the principle in question—the principle being beside the question, there are many problems of enforcement. It is these questions of enforcement that the Supreme Council has placed on the agenda of our conference: In what kinds of work is the 8-hour day to be enforced? Under what conditions can the English week be established, i. e., the 48-hour week? What exceptions are authorized, and under what conditions? There are a great many amendments on all these points. All these amendments, these methods, would be referred to the commission. The commission, I should think, might be appointed at once, if it is the opinion of the conference that questions relating to the enforcement of the 8-hour day or the 48-hour week should be referred to a commission.

Mr. GUERIN (France). The employers are agreed upon accepting the principle of the appointment of a commission, as has just been proposed.

The PRESIDENT. Mr. Baldesi.

Mr. BALDESI (Italy—remarks in Italian):

After the reception given to the remarks by Mr. Fontaine, I might have given up the floor, but I wish still to point out that I do not consider it the fact that the 8-hour law is accepted in a number of countries by their legislation sufficient for the passing over the matter of the principle of the 8-hour day and the 48-hour week. I think the question of the application of the measures and the discussion of the amendments should not be referred to a commission until this body, after hearing this three days' debate on the question of the 8-hour day, expresses itself by vote on the question of the limitation of hours to an 8-hour day and 48-hour week.

Think what would happen if, in the committee, they were to divide in opinion on this question and come back with a majority and a minority report on this point. It would mean that after closing this general debate at the end of three days' discussion the whole question would be opened again.

To avoid the possibility of such a reopening of the discussion I submit the following motion:

That the conference declares that the maximum length of the working day for industrial occupations shall be 8 hours and the week 48 hours, and proceeds to appoint a commission of nine members to study the details of its application on the basis of the draft submitted by the organizing committee and of the several amendments offered thereto.



The PRESIDENT. I have an amendment to Mr. Rowell's motion which reads:

That the conference declares that the maximum length of the working day for industrial occupations shall be 8 hours and the week 48 hours and proceeds to appoint a commission of nine members to study the details of its application on the basis of the draft submitted by the organizing committee and of the amendments offered thereto.

That is an amendment. Will anyone second it?

Mr. CRAWFORD (South Africa). Mr. President, I should like to second the amendment if the mover would make a slight alteration, which I think would facilitate business. I should like him to delete the word "declares" and substitute "proceeds to discuss." My suggestion would enable the conference to proceed on a discussion of a resolution on the question of the 8-hour day and 48-hour week, and would at the same time permit the commission to proceed with its work. Otherwise, the amendment may be defeated for the reason that a discussion of the amendment would involve a long and protracted discussion on the principle of the 8-hour day and 48-hour week.

I should like to ask Mr. Baldesi if he would make that alteration to his amendment, to enable me to second it.

The PRESIDENT. I want Mr. Baldesi's attention, please. As I understand Mr. Crawford—

Mr. BALDESI (Italy—interrupting, in Italian). I do not accept the modification proposed by Mr. Crawford.

The PRESIDENT. Do I understand Mr. Baldesi is opposed to Mr. Crawford's suggestion?

Mr. BALDESI (Italy—in Italian): Yes.

The PRESIDENT. Well, that settles it. And moreover, I rather think Mr. Crawford's motion would be out of order anyway, because it is really harking back to the discussion which we have just closed. Mr. Crawford says, "the conference proceeds to a discussion that the maximum length of the working day for industrial occupations shall be 8 hours and the week 48 hours." Subject to anything Mr. Crawford may have to say, it seems to me that is just what we have been discussing since last Tuesday. However, I will take a vote now on the amendment of Mr. Baldesi, as against the proposition of Mr. Rowell.

Sir MALCOLM DELEIVINGNE (Great Britain). Mr. President, may I point out that there is a real difficulty here to which Mr. Crawford has called attention. Mr. Baldesi's motion combines a resolution on a question of substance with a resolution on a question of procedure. We had been discussing on Mr. Rowell's motion the question of our procedure. Mr. Baldesi has proposed two things in one resolution. First, that we decide to accept here and now the principle of the 8-hour day as well as the 48-hour week, and that having decided that we proceed to appoint a commission. It is impossible to take a vote at once on that motion without discussion. The question of the 8-hour day has not yet been fully discussed, and Mr. Rowell's motion was that it should be referred for consideration to a commission. I suggest that Mr. Crawford's motion does put Mr. Baldesi's motion in order. It does make the whole motion one of procedure only, and that it leaves to the conference, if the conference accepts that amended motion, the opportunity of discussing the question of the 8-hour day. It seems to me quite impossible to vote on Mr. Baldesi's motion as it stands.

Mgr. NOLENS (Netherlands). In my speech, which was not translated into English, I said that I was convinced that at this phase of our discussions the best method of procedure would be to have a small commission of intelligent men from the different countries, inasmuch as we have three drafts of the law with another amendment. Well, my idea was to submit also to this commission the first question, the principal question if I may say so, of the 8-hour day and the 48-hour week alone.

I think that is the principal point for this commission, because it will include members of the organizing committee who are chiefly Government representatives; there will also be workers' representatives and others. In such wise this question can be freely discussed, and afterwards we shall come here before the conference with a draft

which it will be possible to alter; but in any case the members of the conference will of course always have sovereign rights over the decisions of the commissions. They will say whether or not they agree with the proposals of these commissions. But it seems to me perfectly useless for the time being to continue the discussion on the 8-hour day and the 48-hour week, or the 48-hour week only; or to decide the matter at this time, in view of the frequent sessions held by the workers' representatives and the no less frequent sessions held by the employers' representatives, because there are differences between them which will perhaps depend on chance and which may be accepted by a three-quarter majority; I think it much better, if such a commission is to be trusted, to leave this point provisionally for the study and judgment of said commission.

Mr. GUERIN (France). Monseigneur, for once we agree.

Mgr. NOLENS (Netherlands). It is your fault if that does not happen more often.

Mr. GUERIN (France). But you started it.

The PRESIDENT. Now, may I take a vote, please?

Mr. CRAWFORD (South Africa). Mr. Chairman, if Mr. Baldesi has not accepted my suggested modification, I would like to know if his motion is in order. If it is in order I would like to make a further amendment; if it is not in order I would like to move an amendment on the lines of my suggested modification.

The PRESIDENT. Well, I rule it is in order, Mr. Crawford, and after a vote has been taken upon it, of course, the motion, if carried, will be subject to further amendment.

Mr. CRAWFORD (South Africa). May I draw your attention to the fact that the procedure of the previous chairman was somewhat different, but as long as there is an opportunity of moving an amendment, I am quite satisfied.

The PRESIDENT. May I take a vote on Mr. Baldesi's amendment? The vote will be taken upon that as against the motion of Mr. Rowell, and then I will take a vote on Mr. Rowell's motion afterwards.

Mr. MAHAIM (Belgium). I ask to explain my vote.

The PRESIDENT. We have not yet taken a vote.

The CLERK. The proposal now to be voted on is as follows:

That the conference declares that the maximum length of the working day for industrial occupations shall be 8 hours and the week 48 hours, and proceeds to appoint a commission of nine members to study the details of its application on the basis of the draft submitted by the organizing committee and of the amendments offered thereto.

This motion is offered as an amendment to the motion proposed by Mr. Rowell.

THE PRESIDENT. Now, in voting for Mr. Baldesi's amendment you will be voting against Mr. Rowell's motion. Please keep that in mind. All in favor of Mr. Baldesi's amendment—

Mr. BALDESI (Italy—remarks in Italian): I do not intend my motion to be in opposition to the motion made by Mr. Rowell.

The only purpose of my motion is, before voting on the motion of Mr. Rowell for a committee, to have this assembly express by a vote its approval of the principle of the 8-hour day and the 48-hour week.

The PRESIDENT. I only want the conference to be clear on what it is voting before it votes. To my mind if you vote for Mr. Baldesi's motion you are voting for it as a substitute for Mr. Rowell's motion. That is as I understand it.

Mr. VARELA (Uruguay). I would ask that the vote first be taken on Mr. Rowell's motion.

Mr. DRAPER (Canada). Mr. President, I should like to have one point cleared up before the vote is taken. Will the rejection of the Baldesi amendment be construed as a vote against the principle of the 8-hour day? I want that clear.

The PRESIDENT. Certainly not. Let me give my opinion. My opinion is that the difference between Mr. Baldesi and Mr. Rowell is this, and it is very simple: If you adopt Mr. Baldesi's motion you commit yourselves to an 8-hour day and a 48-hour week.



That is to say, you tie the hands of the committee to which this matter is to be referred.

In that sense, Mr. Baldesi revised Mr. Jouhaux's motion, which is upon the paper, and which I understood was to be withdrawn in favor of Mr. Rowell. That is the proposition as I understand it.

Might we have a vote on Mr. Baldesi's amendment? Then, if that is lost the motion of Mr. Rowell will still be before the meeting and still be subject to further amendment if there are any amendments.

Mr. JOUHAUX (France). I ask for the floor. I ask whether by voting your proposed amendment it will prejudice the discussion to follow—

SEVERAL DELEGATES. No! No! No!

Mr. JOUHAUX (France—Continuing). There is no necessity for any surprises here.

SEVERAL DELEGATES. Hear! Hear!

Mr. JOUHAUX (France). We are voting on an amendment which does not in any way exclude the amendments which have been laid before us. This is clearly understood. It is not a question at the present time of deciding whether we are going to pronounce on the 8-hour day or the 48-hour week. That is not the question before us. This amendment can not prejudice future discussions.

SEVERAL DELEGATES. Hear! Hear!

Mr. GUERIN (France). In that case the Baldesi amendment has no sense.

The PRESIDENT. Is the conference ready to vote? It seems to me we are not getting anywhere. Mr. Fontaine, have you anything germane to say?

Mr. FONTAINE (France). I wanted to say, I have just said that, in supporting Mr. Rowell's motion, I think it best to leave in the discussion the whole question of the distribution of hours in the week. I have felt also that the principle laid down by the peace conference was to-day beside the point. I agree with Mr. Jouhaux on the interpretation to be given to the proposal which has been made. All amendments shall be put in the hands of the commission. There has never been any question of excluding any amendments.

Mr. GUERIN (France). Then we are not to vote on the Baldesi amendment and put it in the hands of a commission as we do with the others?

Mr. ROWELL (Canada). Mr. President, may I ask the mover of the motion to simply confirm what you said—a voting down of Mr. Baldesi's amendment does not prejudice the situation at all? My motion is that everything before the conference—all the amendments—should go to the committee. One of those amendments is that moved by Mr. Jouhaux on the 8-hour day and the 48-hour week. That will go to the committee with the rest. It is a question of procedure, and I may say this, the motion I made was with the approval of the Government delegates, because we felt that this method of procedure was the most likely to reach satisfactory results.

Mr. DI PALMA CASTIGLIONE (Italy—remarks in Italian):

I shall vote against the motion offered by Mr. Baldesi, not because I am opposed to the principle that it states, but because I consider that the time has not come for bringing the matter up.

The question raised by Mr. Baldesi is one of those that will be referred to the commission and will come back with the report of the commission before this assembly.

The PRESIDENT. Now shall we have a vote for or against Mr. Baldesi's amendment? Then if you dispose of that amendment by defeating it, Mr. Rowell's motion will still remain.

All in favor of Mr. Baldesi's amendment, please raise their right hands.

[Votes counted.]

Now, down, please. Against Mr. Baldesi's amendment.

[Votes counted.]

The figures are 57 against Mr. Baldesi's amendment and 16 for. Therefore, the amendment is defeated, and Mr. Rowell's motion now holds the field. There are no other amendments, are there?

Mr. CRAWFORD (South Africa). Mr. Chairman, I wish to move an amendment, but I hope that Mr. Rowell will see fit to accept this

amendment and embody it in his motion, because I think it will have the object that he seeks to attain, that is, the facilitation of the business of the conference.

I beg to move an amendment, that the following words precede Mr. Rowell's motion: "That the conference proceeds to discuss the motion of which notice has been given by Mr. Jouhaux, and that, etc.," according to Mr. Rowell's motion. It seems to me, if Mr. Baldesi's amendment had been carried it would have involved a long discussion before anything could have been referred to a commission; but if Mr. Rowell's motion is carried it will stop the work of this conference as a conference—

[Cries of No! No!]

Well, as far as the eight-hour day is concerned, if the same protracted discussion proceeds with the committee as is likely to proceed with the general conference, it may be quite a long time before the committee is in a position to report. Now, there is no advantage whatever to be gained by referring Mr. Jouhaux's motion to a committee, because no committee, no matter what conclusions it arrives at, can cut out a discussion on such clear-cut issues as the 48-hour week and the 8-hour day questions, as to whether the commercial undertakings shall be added to those of industrial undertakings, and I think a good deal of time would be saved and business facilitated if this committee dealt exclusively with the other amendments and left such issues as that embodied in Mr. Jouhaux's motion to be dealt with by the conference.

They are clear-cut issues, and I can not imagine that any committee will be in a position, no matter how much consideration it gives to those two fundamental points—I can not imagine a committee being in a position to save discussion on these points before the general conference, and therefore I consider it would be the wisest thing to proceed with the discussion of those two points and allow the committee to do the rest. Besides, the mover of the motion, Mr. Rowell, stated that it was not to decide this principle that he proposed the appointment of a committee, but rather to decide ways and means of getting a convention that would be generally acceptable and of facilitating or evolving such an amended proposal as would be capable of application to the respective countries. It is very largely a question of application. Therefore, since this is a question of principle and a clear-cut issue on both points, that will involve a discussion that no committee can obviate in any way, I would suggest that we proceed with the discussion of Mr. Jouhaux's motion and refer all of the matters to a committee. I do not wish to put my motion as an amendment against that of Mr. Rowell, but I think Mr. Rowell ought to include that in his motion and thereby meet the views of the labor representatives at this conference.

The PRESIDENT. The amendment is that Mr. Rowell's motion should be prefaced by the following words: "That the conference proceeds to discuss the motion of which notice has been given by Mr. Jouhaux." These are the words proposed by Mr. Crawford as a preface to Mr. Rowell's motion. That would have the effect of taking the question of the notice of Mr. Jouhaux's motion out of the category of things to be discussed by the committee.

Are you prepared to vote on that, for or against?

Mr. LAZARD (France). May we have the exact translation of Mr. Crawford's motion, the exact wording of it in French?

Mr. ROWELL (Canada). Mr. President, I have only one word to say, and that is that I can not accept the amendment proposed, for the very good reason that I have already explained to the conference that I believe it is in the interests of securing a satisfactory convention that all these amendments and motions should go to the committee. Let the committee consider them all and then report back to us.

The PRESIDENT. Now, shall we have a vote for or against Mr. Crawford's amendment? If that is disposed of, as was Mr. Baldesi's motion, then Mr. Rowell still holds the field.

Those in favor of Mr. Crawford's amendment, please signify.

[Votes counted.]

Against Mr. Crawford's amendment.

[Votes counted.]



I have to declare that Mr. Crawford's amendment is defeated, and Mr. Rowell's motion now holds the field. Shall we have a vote on it?

*Resolved*, That the draft convention and the proposed amendments submitted by the employers, employees, and Governments be referred to a commission, to be appointed, for consideration and report.

Mr. CRAWFORD (South Africa). Mr. Chairman, might I ask a question before the motion is put?

I wish to ask a question. I wish to ask if it is the intention of the mover of this resolution that amendments from individual delegates should be considered by the committee?

Mr. ROWELL (Canada). Certainly.

Mr. CRAWFORD (South Africa). I am satisfied.

The PRESIDENT. For or against Mr. Rowell's motion. All those in favor. Those opposed.

The figures are 66 in favor and none against. Therefore I have to declare Mr. Rowell's motion carried unanimously.

Might I now suggest, in order that we may make full use of the remaining time, that each of the sections should at once appoint their delegates to the committee.

Mr. ROWELL (Canada). I suggest 15 delegates, 5 from each section of the conference.

The PRESIDENT. May we vote on that? Five from each section. All those in favor please signify.

Down, please. Any against? It is carried unanimously.

Mr. Butler has arranged three separate rooms, for each section to meet separately if they are so disposed, at once, so as to get this committee started.

The SECRETARY GENERAL. The Government delegates remain in this room; the workers' delegates in the Columbus room; and the employers' delegates immediately below here in the map room, which the director has very kindly put at our disposal for this purpose.

The PRESIDENT. Just one moment, gentlemen. Let us understand. Shall we resume the conference after you have made your selections, because we have got to resume then or discuss now when we will meet again. Shall we say meet again at 6 o'clock or shall we say meet again in a quarter of an hour?

Mr. SHAW (Great Britain). I propose 10 minutes.

The PRESIDENT. Make it a quarter of an hour. Is that the sense of the meeting, that we resume in a quarter of an hour?

Mr. DRAPER (Canada). I move you, Mr. Chairman, we do now adjourn to meet to-morrow at 2.30 o'clock.

The PRESIDENT. There is a wish not to meet to-morrow on account of its being armistice day, Mr. Draper. That is why we want to get it settled to-night. We will meet again in a quarter of an hour.

[Whereupon, at 5.50 o'clock p. m., a recess of 15 minutes was taken.]

The PRESIDENT. The group of Government delegates has named the following members: Mr. Fontaine (France), Mr. Barnes (Great Britain), Mr. Robertson (Canada), Dr. Nolens (Netherlands), Mr. Mahaim (Belgium).

The employers' group has named Mr. Marjoribanks (Great Britain), Mr. Guérin (France), Mr. Carlier (Belgium), Mr. Schindler (Switzerland), Mr. Parsons (Canada).

The workers' group has named Mr. Jouhaux (France), Mr. Mertens (Belgium), Mr. Oudegeest (Netherlands), Mr. Shaw (Great Britain), Mr. Draper (Canada).

To-morrow being the anniversary of the armistice, I presume that there will be no meeting of the conference. The committees named will meet to-morrow afternoon.

Mr. GUÉRIN (France). At what hour?

The PRESIDENT. The committee will meet at the Navy Building at half past 2 to-morrow. And the conference—when shall we adjourn to?

Mr. ROWELL (Canada). Wednesday at 2.30.

The PRESIDENT. It is proposed by Mr. Rowell that the conference resume on Wednesday afternoon at half past 2. Is that agreed? It is agreed; at half past 2 on Wednesday afternoon we resume.

[Whereupon, at 6.50 p. m., an adjournment was taken to Wednesday, November 12, 1919, at 2.30 o'clock p. m.]

The following delegates were present:

|   |   |
|---|---|
| Argentina:<br>Dr. Felipe Esplá.   | Japan:<br>Mr. Eikichi Kamada.   |
| Belgium:<br>Mr. Michel Lévie.<br>Mr. Ernest Mahaim.<br>Mr. Jules Carlier.<br>Mr. Corneille Mertens.   | Dr. Minoru Oka.<br>Mr. Sanji Muto.<br>Mr. Uhei Masumoto.  |
| Canada:<br>Mr. F. A. Acland (substitute for Hon. Gideon D. Robertson).<br>Hon. Newton W. Rowell.<br>Mr. S. R. Parsons.<br>Mr. P. M. Draper.                 | Netherlands:<br>Mgr. W. H. Nolens.<br>Mr. G. J. van Thienen.<br>Mr. J. A. E. Verhade.   |
| Chile:<br>Mr. Gustavo Manizaga Varela.<br>Mr. Felix Nieto del Rio.  | Norway:<br>Judge Johan Castberg.<br>Judge I. M. Lund.<br>Mr. G. Paus.<br>Mr. J. Teigen (substitute for Mr. Ole Lian).                     |
| China:<br>Mr. Lingoh Wang.<br>Mr. Yung Kwai.  | Panama:<br>Mr. Andres Mojica.<br>Mr. Jorge Luis Paredes.<br>Mr. Federico Calvo.<br>Mr. Jose Antonio Zuhiet.                               |
| Czecho-Slovakia:<br>Mr. J. Sousek.<br>Mr. Charles Spinka.<br>Mr. F. Hodacz.<br>Mr. R. Tayerle.  | Paraguay:<br>Dr. Manuel Gondra.   |
| Colombia:<br>Dr. Carlos Adolfo Urueta.  | Persia:<br>Mirza Ali Asghar Khan.   |
| Cuba:<br>Mr. Carlos Armenteros y Cardenas.<br>Mr. Luis Marino Perez (substitute for Mr. Francisco Carrera Justiz).<br>Mr. Luis Rosainz y de los Reyes.      | Peru:<br>Mr. Carlos Prevost.<br>Mr. Victor A. Pujazon.<br>Mr. V. Gonzales.  |
| Denmark:<br>Mr. S. Neumann.<br>Mr. C. V. Bramsnaes.<br>Mr. H. Vestesen.   | Poland:<br>Mr. Franciszek Sokal.<br>Mr. Jozef Rymer.<br>Mr. Jan Zagleniczny.<br>Mr. Edmund Bernatowicz.                                   |
| Ecuador:<br>Dr. Don Rafael H. Elizalde.   | Portugal:<br>Mr. José Barhosa.<br>Mr. Alvaro de Lacerda.<br>Mr. Alfredo Franco.   |
| France:<br>Mr. Arthur Fontaine.<br>Mr. Max Lazard.<br>Mr. Louis Guérin.<br>Mr. Léon Jouhaux.  | Roumania:<br>Mr. C. Orghidan.<br>Mr. Gregoire Michalesco.   |
| Great Britain:<br>Right Hon. G. N. Barnes.<br>Sir Malcolm Delevingne.<br>Mr. D. S. Marjoribanks.<br>Mr. Tom Shaw (substitute for Mr. G. H. Stuart-Bunning). | Salvador:<br>Don Salvador Sol.  |
| Greece:<br>Mr. John Sofianopoulos.<br>Mr. Angelus Skinzopoulos.<br>Mr. Eugene Cantacuzène.  | Serbs, Croats, and Slovenes:<br>Dr. Slavko Y. Grouitch.<br>Dr. Ludevit Peritch.<br>Mr. Marko Bauer.<br>Mr. Sveta Franz.                   |
| Guatemala:<br>Mr. Francisco Sanchez Latour.<br>Dr. Ramon Bengoechea.<br>Mr. Alfredo Palomo Rodriguez.<br>Mr. Manuel Moreno.                                 | Siam:<br>Phya Prahha Karavongse.<br>Phya Chanindr Bhakdi.   |
| India:<br>Mr. Louis James Kershaw.<br>Mr. Atul Chandra Chatterjee.<br>Mr. Alexander Robertson Murray.<br>Mr. Narayan Malhar Joshi.                          | South Africa:<br>Mr. H. Warrington Smyth.<br>Mr. William Gemmill.<br>Mr. Archibald Crawford.  |
| Italy:<br>Baron Mayor des Planches.<br>Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cahrini).<br>Comm. E. Baroni.<br>Mr. Gino Baldesi.           | Spain:<br>Viscount de Eza.<br>Mr. Adolfo Gonzalez Posada.<br>Mr. Alfonso Sala.<br>Mr. Francisco Largo Cahallero.                          |
|   | Sweden:<br>Dr. E. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg).<br>Senator R. G. Halfred von Koch.<br>Senator Hjalmar von Sydow. |
|   | Switzerland:<br>Dr. Hans Sulzer.<br>Dr. Hermann Rüfenacht.<br>Mr. Dietrich Schindler.<br>Mr. Conrad Ilg.                                  |
|   | Uruguay:<br>Dr. Jacobo Varela.  |



## ELEVENTH SESSION—WEDNESDAY, NOVEMBER 12, 1919.

The conference convened at 2.40 o'clock p. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. The secretary will read correspondence and make announcements, if any.

The SECRETARY GENERAL. I have received a letter from Mrs. McCormick, saying that she is very sorry that she is unable to hold the reception to which she had invited the members of the conference, on Saturday. She is recovering from a serious illness, and the fatigue resulting from the preparations for the reception has caused a slight relapse, and the doctor has ordered her to abandon the reception. She wishes to express her deep regret to the conference and hopes that she and Senator McCormick may have other opportunities for meeting the members of the conference.

I should just like to announce that I now have as many copies of the reports of the organizing committee, both in English and French, as may be required. If any delegate wishes more copies, if he will apply at the bureau of information they will be supplied to him.

The PRESIDENT. The order of business is the report of the committee on applications for admission. The Chair recognizes the chairman of the committee for the presentation of the report, Mr. Rowell, of Canada.

Mr. ROWELL (Canada). Mr. President, the members of the conference now have before them the report of the committee on applications for admission, and this report sets out at some length the applications which came before the committee and the manner in which the committee proposes the conference shall deal with them. The reference to the committee was in the following terms: "To consider and report upon the question of admitting Finland, Luxemburg, the Dominican Republic, and any other applications for admission which may be received during the present conference; and further, that the resolution standing in the name of Mr. Rafael H. Elizalde, of Ecuador, be referred to the committee." The committee found itself unable to agree unanimously on the question of the admission of Finland because of a difference of opinion as to the proper construction to be placed upon the article of the treaty relating to membership in this International Labor Organization. The majority report in reference to Finland will therefore be presented to the conference by Mr. Baldesi, who was appointed to speak for the majority on that question. After he has presented the majority report on that matter, I shall submit the minority report on the same question.

In reference, however, to the question of the admission of Luxemburg, the Dominican Republic, and the motion of Mr. Elizalde in reference to the admission of Mexico, the committee was able to reach a unanimous conclusion, and as chairman of the committee I beg to submit to the conference and ask the conference's approval of the resolution of the committee in reference to the admission of these three States. The resolution will be found under part 3 of the report, and the resolution which the committee submits to the conference is as follows:

The commission having before it no official application for admission to the conference from the Governments of Luxemburg, the Dominican Republic, and Mexico, is of the opinion that no recommendation as to their admission would be competent.

While the members of the committee were unable to agree as to the interpretation of article 387 of the treaty of peace which refers to the constitution of this organization and its membership, they were all agreed on this: That this organization was composed of Governments. In other words, it is a nation or a Government as such which must form part of this organization, and therefore no nation could be admitted to participation in this organization unless it made application in proper form by its own Government.

The view of the minority was that such an application would have to be for admission to the League of Nations. The view of the majority

was that such an application might be made direct to this conference. But both are agreed that there could be no admission of a member unless there was an application duly made on behalf of the Government of the country concerned.

Therefore, Mr. President, as the committee did not have before it any official request from the Governments of the three countries named, the committee reached the unanimous conclusion embodied in the resolution, that this conference would have no power to take cognizance or to give any recognition to applications presented through third parties. The view of the committee was that it was not a matter in which the conference could act upon its own discretion or according to its own feelings. The conference must be governed by the terms of the peace treaty, and as the treaty made no provision for admission except of nations or Governments, therefore we could not deal with these applications.

With this explanation, Mr. President, I beg to move the adoption by the conference of the resolution appearing in part 3 of the report of the committee, as follows:

The commission having before it no official application for admission to the conference from the Governments of Luxemburg, the Dominican Republic, and Mexico, is of the opinion that no recommendation as to their admission would be competent.

The PRESIDENT. The question is on the motion to adopt the resolution contained in part 3 of the committee's report, upon which it is in unanimous agreement.

As many as favor the adoption of the motion will raise their right hands and keep them raised until counted. [Votes counted.]

Down. Those opposed will raise their right hands. [Votes counted.]

The motion is agreed to.

Mr. Baldesi is recognized.

Mr. BALDESI (Italy—remarks in Italian):

The commission by which I was selected as reporter was appointed on the question of the admission of the nations that have made requests to be admitted. I was in hopes that the report as printed would suffice to enlighten this assembly, but after seeing the minority report I consider that I must make a few remarks to make still clearer the point of view which led to the decision of the majority of that commission.

It might also be that the report prepared by two eminent lawyers such as prepared the minority report might have altered my point of view as the reporter of the majority, but I say that, on the contrary, the minority report strengthens rather than weakens the opinion that I held before.

The report of the minority is based mainly on a question of interpreting the sense of article 387 of the peace treaty, but in interpreting that article I believe that the minority report falls into a contradiction.

In their dissertation on article 387 the minority report insists on the interpretation that none but members of the League of Nations have a right to be members of the International Labor Organization, but immediately after setting forth this point of view the report goes on to find excuses for the fact that the council in Paris refers to this assembly the question of the admission of Austria and Germany, which are not members of the League of Nations, and tries to show reasons why that was possible in spite of the hypothesis they maintain that the treaty of peace explicitly excludes all who do not belong to the League of Nations from participation in this body.

The reporter says that the fact that the question of the admission of Austria and Germany was submitted to this conference and passed on by it is the best support that can be found for the theory sustained by the majority in its report, and I consider that the arguments brought forward by the minority after that fact remind me of that judge who talked for five days to prove the criminality of the defendant and then let him off because he said that his case did not come within the law that he had to interpret.



If this body had a right to admit Austria and Germany, and if that admission is valid, and if they are to become members of this labor organization as a result, then the hypothesis maintained by the minority can not be held, because if that hypothesis holds good then the admission of those two countries would have no effect because either they can be admitted, and their membership is binding as is the membership of other countries, or else they can not be bound unless they are members of the League of Nations, and then the admission would fall as being in effect null and void.

But the hypothesis of the minority is further disproved by the fact that it was the Supreme Council of Paris which decided to refer to this International Labor Conference the question of whether it would admit Germany and Austria to membership. Therefore, it was not only an act of this conference, but an act of this conference taken in virtue of a decision of the Supreme Council of Paris.

But let us grant a point to the minority. Let us admit that the admission of Austria and of Germany formed an exceptional case arising from special political conditions due to the fact that at the time of the formulation of the pact those countries were enemies of the allied powers that were drawing up that pact. But we have a still further case on which to support the judgment of the majority. Later on, on the 2d of October, the Supreme Council in Paris found itself in the presence of two requests for admission to this conference, one from Finland and one from Norway, neither of which Governments had at that time adhered to the League of Nations. What did the Supreme Council in Paris do? By a decision that it took, it was decided that the question raised by the note of the secretary general of the International Labor Commission relating to the admission of Finland, Norway, and the Netherlands to the approaching conference at Washington should be left to the decision of this conference.

If then the case was decided in favor of Austria and Germany, with only one opposing vote—and that in spite of reasons that it is unnecessary to go into now, but quite special reasons which might have justified a contrary decision on the part of this body—how is it possible, in view of their admission, to refuse admission to other countries which ask under the same conditions, and to say to those countries, "No, in your case we refuse to allow you to cross our threshold?"

I may remind this assembly of yet another point, namely, the declarations made by Mr. Jouhaux who pointed out the advantage that the International Labor Organization derives from extending its membership to the largest possible number of countries, and the danger to both workmen and employers that are represented by countries remaining outside of this body, and therefore not being tied to observing its decisions. Thus the majority report has taken into consideration the points that have been raised within this assembly as well as the interpretation of the article of the treaty in accordance with the authoritative opinions expressed by the council in Paris.

Under these conditions it was not possible for the majority of the committee on admission to give other than a favorable reception to the request of Finland for admission properly submitted through its Government authorities. It could have none but a favorable reception. The objection raised by some one in the committee that the Government of Finland had not made an official request to this conference was not held to be valid because neither Germany nor Austria made an official demand to this conference; as in their case, the request of Finland has been submitted for decision to this conference by the Supreme Council in Paris.

Confident, therefore, that the majority of this assembly will accept its point of view, the committee on admission has presented two resolutions, one admitting the question of the principle of the right to admit, and the other the special case of Finland. Even if in its decision the committee has not held itself strictly to what may be considered a legal interpretation of some of the clauses of the treaty, I wish to point out that it has a much broader and more important aspect for this assembly, for it tends to

acknowledge the right of all countries and to extend to all countries willing to assume the obligations implied by membership the duties and rights that this body affords, and thus to pave the way for better conditions in the world of industry.

The PRESIDENT. Mr. Rowell is recognized, on behalf of the minority.

Mr. ROWELL (Canada). Mr. President, I should like to remind the members of the conference that the question which they are now called upon to consider is one of the most important and far-reaching in its effects of any questions which will come before this conference during its present session. It is important and far-reaching because it involves the correct interpretation of one of the articles of the peace treaty which goes to the very foundation of the organization of the International Labor Organization under the labor provisions of the peace treaty. If the question before the conference were one of discretion, one in which the conference was simply expressing an opinion as to its desires or as to the policy that should be pursued, I am sure there would be no difference of opinion whatever; we would all agree that it was desirable that Finland should be admitted, and we would vote for her admission. That, however, is not the question before the conference. The question before the conference is, Has the conference power to admit Finland to the International Labor Organization?

The argument in favor of the majority report may be fairly stated as being on two principal grounds, both of which are set forth in the majority report. The first ground on which the argument that we have the power to admit Finland is based is on the terms of the article of the treaty itself. Article 387 is as follows:

A permanent organization is hereby established for the promotion of the objects set forth in the preamble. The original members of the League of Nations shall be the original members of this organization, and hereafter membership of the League of Nations shall carry with it membership of the said organization.

It is urged in the majority report that while every member of the League of Nations becomes a member of this organization, because this article of the treaty does not expressly provide that there shall be no other method of admission to this organization, therefore we are justified in implying that there is such power and acting upon that implied power.

The other ground upon which the majority urge that we have the right to admit Finland is that the Supreme Council in Paris has already decided in effect that we have the power by remitting to us for action the application of Germany and Austria, and by subsequently remitting to us the application of Finland.

Now, may I discuss those reasons given in support of the majority report in the order I have mentioned? First, let me point out to the conference the importance of the document which we are endeavoring to interpret. And I emphasize the importance of the document because, Mr. President, it appears to me inconceivable that the able experts who were gathered together as a drafting committee in Paris, with a view of framing one of the most momentous documents in human history, should have so far failed in their duty to make clear their meaning on a matter of fundamental importance.

This peace treaty provides for two international organizations, the one having a very close and intimate relation to the other. The first organization it provides for is the League of Nations. The second organization is the International Labor Organization. The first one is the one to which the majority of the people of the world, and particularly the toiling masses in every country, look forward as evidencing the best effort which the human mind has so far produced to settle by peaceable means international disputes and to save the world from a repetition of the horrors of this war.

The second organization, having as I have stated a close and intimate relation to the first, recognizes that the world's peace may depend to no small extent upon the conditions of the toilers in every land, and that as a necessary part of any program for insuring the world's peace there should be an international labor organization which might, by its program of policies and reforms, seek to estab-



lish industrial peace among the nations, better living conditions for the toiling masses, and so contribute to human progress throughout the world. Both organizations are of transcendent importance.

It is essential to the success of these two great organizations that there should be, first, no uncertainty or ambiguity as to what constitutes membership in the organization. Members of the conference will realize that if there is uncertainty, if there is ambiguity, as to who are or are not members of these organizations, you strike a fatal blow to the efficiency of either, and, secondly, there should be no doubt as to the intention of such members to sincerely perform their international obligations.

Now let us see what provision is made in the treaty itself, for we must look to the treaty itself in order to understand its meaning.

Article I provides for the constitution of the League of Nations and the method by which membership in the league may be secured, and I draw attention to this article particularly for two reasons—firstly because the minority submits that a nation can only become a member of the International Labor Organization if it first becomes a member of the League of Nations, and, secondly, to point out with what great care the draftsmen of this important document have set out in detail the conditions upon which membership may be secured.

Article I provides who may become members of the League of Nations. First, the original members of the League of Nations shall be those of the signatories which are named in the annex to the covenant. In other words, all who signed the treaty, whose names are set forth in the annex to the covenant, are thereby made members of the League of Nations. Second, also such of those other States named in the annex as shall accede without reservation to the covenant.

Members of the conference will recall that certain neutral countries are named in the annex as potential members of the League of Nations. They may become members by acceding to the terms of the covenant in the manner provided in the article. Such accession shall be effected by a declaration deposited with the secretariat within two months after the coming into force of the covenant and notice thereof shall be sent to all other members of the league.

Now, if a nation not named in the annex to the covenant desires to become a member of the League of Nations, the procedure is clearly set out as to how that nation may become a member:

Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly; provided that it shall give effectual guaranties of its sincere intention to observe its international obligations and shall accept such regulations as may be prescribed by the league in regard to its military, naval, and air forces and armaments.

Let me point out, in order to become a member of the League of Nations, if a nation is not named in the annex, it must first apply for admission through its government; second, it must give effectual guaranties as to its sincere intention to carry out its international obligations; third, it must accept the restrictions or obligations imposed upon it by the league in reference to its armaments and its army; fourth, it must be admitted to the league by a two-thirds vote of its membership. The conference will see with what great care the draftsmen of this peace treaty have provided for the admission of a new member to the league, so that there could be no possible doubt as to whether the nation was or was not a member.

The members of the conference will notice that Article I does not say that a nation may not be admitted to the League of Nations in any other manner than that provided by this article, and if the argument of the majority is correct, that because the clause dealing with membership in the labor organization does not expressly exclude any other method of securing membership, therefore we have the right to admit them. One might with equal force present the argument that because this article of the League of Nations does not expressly provide that there shall be no other method of securing membership than provided in this article, therefore some other method may be adopted. I am sure the presentation of such an argument to a serious assembly like this would convey its own

answer. That you have not expressly excluded some other method is no argument that another method may be adopted. Where you have one method provided and no other method provided, the method provided is the only one which you can legally and constitutionally adopt. For admission to the League of Nations it says two-thirds majority of the general assembly of the league is necessary. It does not say the council shall have no authority to admit. If the argument of the majority is correct, you might say that the council of the League of Nations could admit to membership in the league because this article does not expressly exclude such a method of admission. Such an argument would not hold for one moment. The Constitution of the United States provides how a new State may be admitted to the Union by the action of the Congress. It does not expressly state that there is no other method of admission. But would anyone argue that there was any other method of admission of a State to the Union than that one provided by the Constitution? And so I submit with great confidence, Mr. President, where we have a method provided in the treaty whereby nations may become members of the International Labor Organization, that provision in itself excludes any other possible method.

Article 387, which provides for the International Labor Organization, is as follows:

A permanent organization is hereby established for the promotion of the objects set forth in the preamble. The original members of the League of Nations shall be the original members of this organization, and hereafter membership of the League of Nations shall carry with it membership of the said organization.

I submit, Mr. President, this article clearly points out the way of admission. The way of admission is through the door of the League of Nations, and there is no other way of admission unless by the express agreement of all parties to this treaty, and that is the way Germany and Austria were permitted to come in. I shall deal with that more at length later.

In order that the conference may appreciate that this view is correct, let me point out if it were intended that there should be any other way of securing admission, I submit it is inconceivable that the draftsmen of this convention would not have set out the method by which such States should come in, and the obligations which they should assume when they came in.

When we deal with the article relating to the admission to the League of Nations, they provide the exact procedure. When we come to the article relating to the International Labor Organization, they provide a method through the League of Nations, and they make no other provisions. Not only is that the case, but they provide no formalities whatever for admission. They provide in the labor convention that matters of procedure may be settled by a majority vote. They provide that certain important matters shall require a two-thirds vote. If this conference were to have the power to admit new nations, is it conceivable that it would not have been provided in the convention itself how the vote should be taken, or whether it should be a majority or two-thirds, as in other cases? There is no provision whereby a nation coming in by vote of this conference should, as such, assume the obligations of the covenant, absolutely no provision whereby it should assume the obligations, and be bound by them. There is absolutely no provision whereby a nation, if admitted by this conference, should be able to retire from the organization.

The members of this conference who are members of the League of Nations contribute to the expense of the conference through the League of Nations, because all the expenses of this International Labor Organization are borne out of its funds, except the expenses of the delegates. If this conference has power to admit a new member there is no provision for such a member making any contribution to the expenses. Is it conceivable that the framers of this treaty intended that we should admit a new nation without making any provision that that new nation should assume either the obligations of the covenant or of contributing to the expense?

Not only is this the case, Mr. President, but the convention itself says that the International Labor Office shall be established at the seat of the League of Nations as part of the organization thereof, the



membership being identical; the labor office is established at the seat of the League of Nations as part of the organization thereof; further, the International Labor Office is entitled to the assistance of the secretary general of the League of Nations, and there are many other provisions in the covenant indicating that the membership of the two organizations was intended to be identical.

Therefore, I submit that a perusal of the covenant itself clearly shows that we should follow the natural construction. We should admit only through the door of the League of Nations, because it is only by admission through that door that a nation which is not a signatory to the peace treaty nor named in the covenant can be bound by its obligations or required to contribute to its expense.

Mr. President, that the interpretation which the minority report puts upon this clause is correct is made clear beyond question by the proceedings which took place at the plenary session of the peace conference when this labor convention was adopted. Those proceedings came to my attention after the minority report had been prepared and distributed. Therefore, I prepared a short, supplementary report covering these proceedings, which has been distributed, I think, only in English. I am sorry the translator has not been able to get out the French translation of it. I desire to make a brief reference to the proceeding at this session of the peace conference. The first is a reference to the address of Mr. Barnes, who was chairman of the commission which presented the report to the conference. Mr. Barnes discussed the very point now under consideration. This is the language used by Mr. Barnes:

Now, let me say a few words about its main provision. First of all, its boundaries are made to coincide with those of the League of Nations. We have two reasons for this: first, because in doing that the League of Nations is thereby invested with duties of a positive nature and associated with the every-day life of the community; and secondly, all nations in the league are brought into world cooperation for industrial improvement. Thereby a favorable impression will be created on labor in all countries, because the impression will be created that the peace conference is seriously regarding this labor conference.

The sentence I desire to emphasize particularly is this:

First of all its boundaries are made to coincide with those of the League of Nations.

The membership in the two was intended to be identical. It was on the basis of that representation as to the effect and meaning of this convention that the peace conference adopted it.

But that is not all. At that session of the conference there appeared to be certain clauses in the convention which left some doubt as to whether the membership stood on exactly the same basis as the membership in the League of Nations and as to whether adherence to the convention would be exactly the same, and a resolution was moved by Sir Robert Borden as follows:

The conference authorizes the drafting committee to make such amendments as may be necessary to have the convention conform to the covenant of the League of Nations in the character of its membership and in the method of adherence.

There was submitted to the peace conference itself by way of an amendment to the motion of Mr. Barnes, this direct proposition, that the drafting committee should make clear that in its membership and in the method of adherence it should be the same as the League of Nations. That motion by Sir Robert Borden was unanimously adopted by the peace conference.

If the majority report prevails, what does it say, in effect? It says in effect that the drafting committee of the peace conference did not have the ability or capacity to put into the peace treaty the express direction of the conference. I for one shall not be a party to making any such reflection upon the able draftsmen who prepared this treaty of peace. If the nations of the world once got the impression that the drafting of this great document was so faulty that the draftsmen did not carry into the body of the convention the express decisions of the conference, the confidence of the world in the document would be shaken. It is because we are taking such an important decision to-day that I am taking the time of the conference to present the facts to you.

But, I say, the draftsmen made no mistake. They carried out not only the intention of the Labor Commission as stated by Mr. Barnes, but they carried out the express direction of the conference, and they

made the character of the membership and the method of adherence to the treaty identical with that of the League of Nations. How did they do so? Not by repeating in this covenant the same provisions as applied to the League of Nations, but by making the entrance to this organization through the door of the League of Nations.

Now, to deal with the last point, or at least the important point raised by the majority report on the admission of Germany and Austria. I understand the position of Austria is the same as that of Germany, so in dealing with Germany may I be taken to be dealing with both? What was the situation? Germany asked before she signed the treaty that the allied and associated powers should agree that she should be admitted to the League of Nations, and also to the International Labor Organization. That matter was carefully considered by the allied and associated powers, and for reasons which we need not here discuss this afternoon, they decided that although Germany would sign the treaty and be bound by its provisions, she should not be admitted immediately into the League of Nations. We need not discuss the reasons for that conclusion, but they reached that conclusion. But in reference to the International Labor Organization I am informed they reached the conclusion that she might be admitted immediately, and that they would remit the date of her admission to the conference here. The allied and associated powers had a perfect right to conclude such an agreement with Germany if they saw fit, and to admit Germany after she had signed the treaty and become bound by its provisions, to this labor organization, making an exception in her case, for reasons which would appear obvious because of the economic and industrial situation of Europe. They had the right to do it and that is what they did do, as I am informed. They came to an agreement with Germany whereby she might be so admitted, and they remitted to this conference the question of the date upon which she might be admitted.

There is nothing exceptional about that. All the parties to the agreement could make an agreement whereby Germany might be admitted under those exceptional conditions to this organization before her application for admission to the League of Nations had been definitely granted. That is what the powers did. Now, it is true, as appears in the report of the organizing committee, that the secretary of the committee communicated with the Supreme Council and asked if it was necessary to modify this clause of the treaty in order to admit Germany. They said "No," and I agree with that view. It was not necessary to change the whole basis of the constitution of this International Labor Organization because they wanted to make a special agreement, a special exception, with reference to Germany, who had already applied to be admitted to the League of Nations and who would be admitted at a later date when the Allies decided to admit them.

And so by an agreement between the associated and allied powers, embodied in the correspondence that passed between the president of the peace conference and the representative of Germany, an agreement was concluded whereby Germany might be admitted at an earlier date. It was not, therefore, necessary to modify the provision. It was not modified, and it still stands in all the strength in which it was drafted by the drafting committee and approved by the peace conference.

The same also applies to Austria. Agreement was made with Austria, as I understand and as I am advised by the officers of the League of Nations, whereby she should be admitted under those exceptional conditions also. But because the allied and associated powers made a special agreement with Germany and Austria before they signed the peace treaty whereby they should be admitted is no reason why we should take upon ourselves the power to vary this covenant embodied in the peace treaty and to say that all nations, even though they are not signatories of the treaty of peace, even though no such agreement has been made with them, can be admitted under the provisions of this clause.

Let me say further, Mr. President, as I said in opening, this involves a most important question of interpretation of the pro-



visions of the treaty. We have here at the conference the legal adviser of the conference who knows this treaty. He has advised us that we have no power to admit Finland. He has advised us that the only way to secure admission to this organization, apart from the special agreement to which all the allied and associated powers are parties, is through the League of Nations. So that, eliminating the minority report entirely, what is the situation that faces the conference? You have the opinion of the legal adviser of the conference that we have no power; you have the opinion of the majority report that we have the power. Then that directly raises a question of interpretation of this covenant of the first importance. Article 423 provides:

Any question or dispute relating to the interpretation of this part of the present treaty, or of any subsequent convention included by the members in pursuance of the provisions of this part of the present treaty, shall be referred for decision to a permanent board of international justice.

My further point, Mr. President, is that this conference has no power to interpret the treaty. If there is a bona fide dispute—and there is—there must be when the legal adviser says we have no power and the committee says that we have—there is only one way to settle it, and that is the way provided in the convention itself, by referring this matter for settlement to the permanent court of international justice, when constituted. Before it is constituted provision is made for the setting up of a special tribunal by the council of the League of Nations to determine such a question.

Mr. President, in conclusion let me refer to the reference made by Mr. Baldesi to the proceedings of the Supreme Council in referring to the position of Norway and some other countries he referred to. The position of Norway, Sweden, and the other States who are mentioned in the annex to the League of Nations was dealt with in a communication dated August 20, sent by the organizing committee to all the nations who have been invited to take part in this conference. And their position was this, that with a view of expediting proceedings, all these nations should be invited to participate in the conference in anticipation of their becoming members of the League of Nations, by adhering to the convention. But they point out that if they fail to adhere to the peace treaty and thereby fail to become members of the League of Nations, they would cease to be members of this organization. Let me read the extract from the communication sent out by the organizing committee upon which this conference was called together:

In regard to the 45 States enumerated in the annex to the covenant, the organizing committee is of opinion that they should all be invited to take part in the Labor Conference at Washington, just as Switzerland was invited to take part in the organizing committee. The invitation would lapse, however, in the case of any State which failed to give its adherence as provided in the peace treaty within the period indicated in article 1 paragraph 1, of this treaty.

Then, Mr. President, if, on the basis on which this conference is organized, Norway and Sweden and these other countries would cease to be members if they failed to adhere to the treaty, how could we possibly admit Finland, who is not a party to the treaty, not even named in the annex, and which can not come in until the League of Nations is formed and a meeting is held and they are admitted according to the procedure provided in article 1 of the treaty?

And then Mr. Baldesi said:

But the Supreme Council has referred the question to us, and that clearly shows that the Supreme Council believes we have the right to admit Finland. In fact, the Supreme Council has in effect told us to do so.

Well, Mr. President, I have great respect for the Supreme Council when dealing with political matters, when making treaties; but the Supreme Council has no more right or authority to interpret a treaty than have the members of this conference—either the smallest or the greatest power at the conference. The Supreme Council has no more power to interpret this treaty than has any other group of five people gathered together for any purpose. They are a political body. If it once went out to the country that the Supreme Council, composed of the five great powers, had the power of interpretation, if they can add to the obligations of the smaller powers, and if they can reduce the obligation of the smaller powers, if they can change

this treaty one iota, then confidence in the treaty would be shaken. The Supreme Council have no power of interpretation whatever. They can make treaties; the treaties themselves provide how they shall be interpreted.

Therefore, Mr. President, I beg to move, in substitution for the resolutions moved by Mr. Baldesi, the following resolution set out in the minority report:

In view of the opinion of the legal adviser of the conference, that admission to membership in the International Labor Organization can be secured only through membership in the League of Nations, and that the conference itself has no power to grant membership in the labor organization; in view also of the action of the Supreme Council in submitting the question of Finland's admission to the judgment of the conference, the conference is of opinion that the immediate admission of Finland as a member of the labor organization is desirable.

The conference commends, therefore, to the favorable consideration of the League of Nations the immediate admission of Finland to the league, upon her compliance with the necessary conditions.

2. The conference welcomes the delegates nominated by Finland to attend the Washington meeting, and invites their delegates to take part informally in the deliberations of the conference.

I submit, Mr. President, we should do for the delegates from Finland, Government delegates, labor delegates, and employers' delegates just what we have done for the employers' representatives and labor's representatives of the United States. In short, Mr. President, my proposal is that we should treat Finland just as we have treated the representatives of the United States.

That is the full limit, I believe, of our power. We desire their cooperation in the conference. We can not legally make them members of the International Labor Organization, and it would be unwise to attempt to do so, unwise for this reason, because if the majority is wrong in its interpretation and the convention is agreed upon by this conference, it may be by a close vote, where a two-thirds majority is required. If this conference is not legally constituted and if its membership is not the membership provided by the constitution, then, perchance, any nation which did not desire to carry out its obligations might challenge the findings of the conference on the ground that it was not legally constituted.

Why, Mr. President, should we run that risk? Why, Mr. President should we create doubt as to the whole basis of our organization? In view of the opinion of the legal adviser of the conference let us agree to invite representatives of Finland to participate just as the employers and employees of the United States have been invited to participate, go on with our proceedings, our conference constituted when the League of Nations goes into effect, and ratify the convention under those conditions.

I apologize for taking up so much of your time. I thought the matter was so important I should set forth the position fully before you. I have no interest in it direct or indirect except as a member of this conference and a member of the League of Nations. I submit these resolutions to you as the minority report of the chairman of the committee as substitutes for the resolutions submitted by the majority. [Applause.]

The PRESIDENT. Senator Halfred von Koch, of the Swedish delegation.

Senator VON KOCH (Sweden). As the representative from Sweden, the country that for centuries has had the closest connection with Finland and was the first to recognize it as an independent country, I wish to say a few words in favor of the participation of Finland in this conference with the same rights as other nations. As far as I can understand, all agree, even Mr. Rowell, that Finland ought to take part as soon as possible in this conference, but some legal points have been raised in the minority report and in this speech now delivered by Mr. Rowell, as to the competence of this conference to admit Finland. I will not enter upon this question in detail. I surely believe that you have got enough of details about the peace treaty and such things already, but I will only say that I would quite agree with Mr. Rowell and his point of view if the League of Nations existed at present, but that not being the case, and many other countries here represented not having yet taken up the question as to whether or not they shall join the league, I



am at a loss to understand why we should take the very rigid legal attitude with regard to Finland that Mr. Rowell has taken. It is impossible for me to understand that we in any way violate the peace treaty if we now admit Finland to this conference. I will also call your attention to the fact, as Mr. Baldesi already has done, that the Supreme Council, on October 2, 1919, adopted a resolution to the effect that the question of the admission of Finland to the approaching conference at Washington be left to the decision of the conference.

Mr. Rowell has said that the Supreme Council had no power to interpret the peace treaty. I should very much like to know who has the power at the present time to do that. The Supreme Council has created, as far as I know, the peace treaty, and has certainly also, as far as I can understand, the power to interpret it until, of course, the League of Nations has come into existence. In this connection Mr. President, I want particularly to call attention to the fact that the decision of the Supreme Council concerning Finland is worded in exactly the same way as the decisions regarding Germany and Austria. Finland is thus in the same position as Germany and Austria, their names not being included in the annex containing the names of the countries invited to the covenant.

Ladies and gentlemen, this conference has admitted Germany and Austria, with the same rights as other countries to participate in this conference. Why should we then take a stricter legal point of view concerning Finland than concerning Germany and Austria?

There are, moreover, some very important facts regarding Finland which I should like very much to bring to your attention. First, one must remember that Finland has large industries and a great number of working men. These working men are well organized. Also, the employers of Finland have a strong organization. Delegates for both these organizations are here at Washington eager to take part in our conference.

Furthermore, I beg to state the important fact that Finland has previously taken part in international conferences of this kind. As a result of that the country has laws that cover a great deal of our work. Finland is thus a country of very high standing as regards labor questions. For us, the neighbors of Finland, it is very essential that Finland join this conference, thus enabling that country to have its laws and conditions brought into accord with the decisions of this conference. In fact, it is important not only for us, but also for many other countries. The more countries that adhere to the convention the better, this especially with regard to those countries that have considerable industries. We have here to form a basis for future social work. Why, then, leave out an independent country with large industries?

We must not look too much to the letter in this instance; we must look forward, and take the country of Finland into our union.

The Finnish Government has sent a complete delegation here, two Government delegates, one employer, and one workman. They are awaiting our decision. Do not let them wait in vain.

Mr. Chairman, I beg to second the resolution included in the majority report.

The PRESIDENT. Mr. Neumann, the delegate from Denmark, is recognized.

Mr. NEUMANN (Denmark). May I, on behalf of the Danish delegation, add but a few words to the discussion on this subject?

As the delegate from Sweden has just mentioned, Finland has made social problems the subject of a thorough and careful study. The three countries—Sweden, Norway, and Denmark—have had plenty of opportunity to make themselves acquainted with this fact in conferences held upon social questions between the said countries and Finland. There is thus no doubt as to the desirability of the participation of the Finnish delegates at this conference, and I am glad to notice that also the minority of the commission is of this same opinion.

In fact, the minority really thinks it desirable that Finland should be admitted to this conference, but is of opinion that legal points of

view are a hindrance for the admission of Finland. I can not agree with the minority in this respect.

The legal question has, in my opinion, been decided upon by the Supreme Council under appeal to the permanent court of international justice, and the conference has not the power to criticise the actions of the Supreme Council. The Supreme Council has by leaving the decision to the conference clearly determined that there is no legal hindrance for the admission of Finland to the conference.

I, therefore, beg to ask the conference to favor the formal admission of Finland to the conference.

The PRESIDENT. Judge Castberg, of Norway.

Judge CASTBERG (Norway). Mr. President, the minority has maintained that it is not within the power of the present conference to admit Finland to the International Labor Organization, because Finland has not yet adhered to the treaty of peace and become a member of the League of Nations, nor is Finland among the countries enumerated in the annex to the covenant of the league. It seems to me, however, that the considerations which have made this conference regard it as within its legal authority to admit to full participation in our sessions representatives of a considerable number of nations which have not yet decided to join the League of Nations, should likewise be applied with regard to the admission of Finland. The circumstance that Finland is not mentioned in the annex to the League of Nations does not seem to me to constitute a sufficient reason for making any distinction in this respect. Many of the countries which are mentioned in said annex have been so mentioned without any explicit request on their part, and it does not, of course, constitute any indication as to what decision such countries will take in regard to the question of joining the league.

If it is maintained that the official proceedings of this conference in which representatives of such nations as are just referred to, participate—if, as I say, it is maintained that these proceedings, as well as the conclusion which we may reach, shall at a later juncture be officially adopted, we shall still be confronted with the not unlikely possibility that certain of our decisions have been adopted partly with the votes of representatives of nations who have not even after the termination of this conference joined the league. The position of Finland seems to me to differ so very inconsiderably from such countries as last referred to that it would hardly be justifiable to make any distinction with regard to the status of Finland.

I should also like to add that it would seem to me to be more in accordance with the spirit of our present undertaking, as well as with that new spirit of international brotherhood and good will among nations, upon which the whole structure of the peace treaty and the League of Nations was built, if we right now in harmony with previous decisions of this conference take upon us the responsibility of declaring Finland admitted to full and regular membership of this conference. I recognize that this question is an important and difficult question of interpretation, and I respectfully submit to the minority if it could not in any case add to its motion that Finland should be a member of this conference, or take part in the proceedings of this conference, with all the rights and duties as the other members, without mentioning the organization, only the conference. But as the case is standing now I can not vote for the motion of the minority.

The PRESIDENT. Sir Malcolm Delevingne, of Great Britain, is recognized.

Sir MALCOLM DELEVINGNE (Great Britain). Mr. President, I rise, on behalf of the Government delegates from Great Britain, to oppose the motion of Mr. Baldesi and to support the amendment moved by Mr. Rowell. And I do so, not only on behalf of the Government delegates but with the support of the whole delegation of Great Britain. I do not propose to go into the legal questions which have been raised. They have been set out in what appears to me to be an admirable and forceful manner in the report submitted by Mr. Rowell. But I wish to say this, and I wish to say it as strongly as possible, that whatever the legal interpretation of the treaty of peace may be, it is certain that the meaning of that treaty was understood by Great Britain, and by many other countries, as being that which



has been expressed by Mr. Rowell. When this labor convention was framed in Paris, the object and purpose of those who were concerned in framing it was to connect the labor organization with the League of Nations and to make the labor organization a part of the organization of the league. It was with that understanding that Great Britain, and I believe many other countries, too, accepted the labor clauses of the treaty of peace. And I desire to protest in the strongest possible manner against the attempt which is being made in this conference by certain delegates to alter what was understood to be the meaning of the treaty of peace.

If it is desired to effect any alteration in the meaning of the treaty, it should have been done after consultation with the powers which signed that treaty. There has been no such consultation; there has been no opportunity for consulting the powers who signed the treaty of peace; and the movers of this motion that Finland should be admitted to the organization at once by this conference are attempting to force upon the conference and upon the powers who signed the treaty a meaning which, in our opinion, it was never intended to have. And, sir, I protest most strongly, on behalf of the British Government and the British delegation, against any such attempt being made.

In the second place, this motion goes beyond the request which was made by the Government of Finland to the Supreme Council in Paris. That request was that Finland might be admitted to this conference in Washington. The request was not made that they should be admitted now to the labor organization. Mr. Baldesi and those who are supporting him are going beyond the request of the Government of Finland made in Paris to the Supreme Council and are going beyond the reference which was made to this conference by the Supreme Council.

I say at once that so far as we are concerned there is not the slightest objection to the admission of the delegates from Finland to this conference, to take part in its deliberations and proceedings. The conference has already decided to admit informally representatives of the American employers and workers, and we heartily support the proposal which has been made by Mr. Rowell that the Finnish delegates should be admitted to this conference and should take part in its proceedings in exactly the same way as the representatives of American employers and American workers. But that is an entirely different question from the proposal which has been made by Mr. Baldesi. He proposes that they should be admitted to the labor organization; and we are entirely of Mr. Rowell's view, that the conference is not competent and has not the power to do so.

The third point which I wish to make is that this is not a mere question of law. I think that there has been some tendency to regard it as a technical point which is of no special importance.

I wish to say that in our view, though it is, of course, a question of law, it is not a mere technicality. It is a question of principle, and a question of principle which, as Mr. Rowell said, strikes at the very root of this labor organization. It tends to divorce the labor organization from the League of Nations, and that, in our opinion, would be the greatest misfortune which could befall the labor organization.

Those who are making this motion are taking a very heavy responsibility when they propose a step which would have consequences which it is impossible to foresee at the present moment. It may very well be that if this motion were accepted it would be the first step toward a separation of the labor organization from the League of Nations. That would be entirely opposed to the views of those who had framed and proposed the provisions on which the labor organization is founded and which they can never accept.

My next point would be a point which has already been made by Mr. Rowell, which I only desire to emphasize in passing: That by adopting the motion which has been made by Mr. Baldesi and his supporters, this conference would be running the very serious risk of invalidating its proceedings. Remember this, that the decisions of this conference carry with them, if properly taken, consequences of great importance under the treaty of peace. The

conventions, if adopted by the States, are capable of being enforced, but in order that those provisions should apply it is necessary that all the proceedings leading up to the adoption of the conventions must be regular and in order. Any step which is invalid, which is irregular in those proceedings, will invalidate the decisions which follow. That is a consequence of very serious moment, because it will have weight with the States when they come to consider whether it is possible for them to adopt the conventions or not. There must be no question as to the regularity, as to the legality, of the proceedings in this conference, if the conventions are to be adopted by the States which are members of the organization.

I say, and I say it seriously, that the Government of Great Britain can not accept the proposal which is being made by Mr. Baldesi for the admission of Finland to the labor organization otherwise than in the manner provided by the treaty. If Finland wishes to become a member of the labor organization, she must first become a member of the League of Nations. We can not accept any other interpretation. And if the conference should decide, as I hope it will not, this afternoon to admit Finland to the labor organization, we shall question that decision, and we shall require that it be referred to the permanent court of international justice, under the provisions of the treaty.

To resume what I have said, this motion is contrary, if not to the correct interpretation of the treaty, at any rate it is contrary to what was understood to be the meaning by the Government of Great Britain and many other powers. This motion goes beyond the request that has been made by the Government of Finland, and goes beyond the reference which has been made to this conference by the Supreme Council at Paris. It is not a mere technical question. It is not a mere technicality. It is a question of principle which goes to the very root of labor organization and may have very serious consequences on the proceedings here at Washington, and it is a proposal which the British Government for one is quite unable to recognize.

The PRESIDENT. Mr. di Palma Castiglione, of the Italian delegation.

Mr. DI PALMA CASTIGLIONE (Italy—remarks in Italian):

In the first place, Mr. President, I wish to say in the most positive manner to Sir Malcolm Delevingne that neither he nor the other members of that committee that support the majority report wish in any way, directly or indirectly, to have the peace treaty modified.

Here, we are only discussing the proper interpretation to be given to article 1 of the constitution of this labor organization in relation to the action taken by the Supreme Council of Paris in referring certain matters to this body.

The motion which has been submitted to-day by Mr. Baldesi has not been submitted in his name. It is not his personal motion. It is the report of the majority of the committee appointed by this meeting to settle on the question of admission, and on that committee were members—and the report is theirs as well as Mr. Baldesi's—Mr. Fontaine, who was on the organizing committee of this body in Paris, and Mr. Collinet, who is a professor of law in the University of Paris, and their opinions are entitled to as much respect as are those expressed in the minority report.

We are face to face with a very simple question, Does the admission of Germany and of Austria to this conference constitute a precedent or does it not?

Mr. Rowell and the legal adviser, Mr. Hudson, maintain that the admission of Germany and of Austria does not constitute a precedent, because before the signature of the peace treaty they had received a promise to the effect that they would be admitted.

This assertion is totally inaccurate.

The Supreme Council had to pronounce twice on this question, the first time as to the admission of those two countries—Germany and Austria—to the International Labor Organization, and the second time as to their admission to the International Labor Conference here at Washington.



On both occasions the Supreme Council in Paris did not render a decision itself but on both occasions it referred the question to this conference at Washington for it to decide. It is, therefore, not accurate to say that the admission of Austria and of Germany does not create a precedent, because it was given as a promise before the signature of the peace treaty.

If the conference had the right and decided on the admission of Austria and of Germany, it has the right to decide on the admission of any other country that makes a request. And that for two reasons: First, because there is no article in our constitution which forbids this body from admitting a country which makes demand for admission; and the second reason is that by its decision this conference has sanctioned the wider interpretation of the first article of its constitution. Mr. Rowell gave his vote in favor of the admission of Austria and of Germany, and by so doing he also sanctioned that broader interpretation, and he is therefore now contradicting himself when he votes against the admission of Finland.

If we now make it imperative that membership in this organization can only be consequent on membership in the League of Nations, we run the risk of making membership in this organization subject to considerations of a political nature.

It would follow from such an interpretation that if for political reasons any nation were to be expelled from the League of Nations, it also would have to be expelled from the labor organization.

The speaker believes that he interprets the feeling and intention of many of the delegations which cooperated in the organization in Paris of this International Labor Organization; that it was their intention that all political character should be excluded from affecting the question of membership in this International Labor Organization.

Mr. Hudson, in his remarks, says that participation in this International Labor Organization constitutes a privilege. I believe in saying this he gives proof of his American humor, for I can not see how it can be interpreted as a privilege for a nation to bind itself in entering this International Labor Organization, to observe the decisions that this body will arrive at.

Membership in the International Labor Organization is put down as a duty, not as a privilege, for the members belonging to the League of Nations.

What reason, then, can there be to wish to turn off those nations which expressed the wish voluntarily to assume all the obligations that are incumbent on them by becoming members of this international labor body?

Our organization should therefore be open to all nations which have reached that degree of development which makes them feel their responsibility in these matters we are discussing, and that membership should not be limited eventually in any way by territorial or colonial considerations.

Before concluding, I wish to call attention to the contradiction into which those persons who sustain the minority hypothesis fall; that is, that the delegates of Finland can not be admitted to the International Labor Organization by virtue of article 1 of its constitution, but they favor at the same time that they should be admitted to this conference without a right to vote. Now, he says, what article of the constitution is there which gives this conference the power to do anything of the sort?

There are, therefore, only two alternatives before this assembly; either to decide that no country can be a member of this organization or be in this conference without being a member of the League of Nations—and that means to give a distinctly political character to this organization, for that political character has been recognized by Dr. Hudson as to the League of Nations—or else to say that only countries in which the working classes have reached that degree of development which has enabled them to force from their Government labor legislation have a right to be represented in this body.

The PRESIDENT. The hour of adjournment has arrived. Is it the desire of the conference to adjourn, in accordance with the rules, or to remain in session until the conclusion of this debate?

Mr. CRAWFORD (South Africa). I move that we adjourn.

Mr. DRAPER (Canada). I second the motion.

The PRESIDENT. The conference will stand adjourned until 2.30 o'clock Thursday afternoon.

[Whereupon, at 6.05 o'clock p. m., an adjournment was taken to Thursday, November 13, 1919, at 2.30 o'clock p. m.]

The following delegates were present:

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| Argentina:   | Italy—Concluded.  |
| Dr. Leonidas Anastasi.   | Comm. E. Baroni.  |
| Dr. Felipe Espil.  | Mr. Gino Baldesi.   |
| Mr. Hermenegildo Pini.   | Japan:  |
| Mr. Americo Balino.  | Mr. Eikichi Kamada.   |
| Belgium:   | Dr. Minoru Oka.   |
| Mr. A. Delmer (substitute for Mr. Michel Levie).                   | Mr. Sanji Muto.   |
| Mr. Ernest Mahaim.   | Mr. Shichiro Muto (substitute for Mr. Uhei Masumoto).         |
| Mr. M. Fraipont (substitute for Mr. Jules Carlier).                | Netherlands:  |
| Canada:  | Mr. J. A. E. Verkade.   |
| Mr. Loring C. Christie (substitute for Hon. Gideon D. Robertson).  | Nicaragua:  |
| Hon. Newton W. Rowell.   | Señor Don Ramon Enriquez.                                     |
| Mr. E. Blake Robertson (substitute for Mr. S. R. Parsons.)         | Norway:   |
| Mr. P. M. Draper.  | Judge Johan Castberg.   |
| Chile:   | Judge I. M. Lund.   |
| Mr. Gustavo Munizaga Varela.                                       | Mr. G. Paus.  |
| Mr. Felix Nieto del Rio.   | Mr. J. Teigen (substitute for Mr. Ole Lian).                  |
| China:   | Panama:   |
| Mr. Yung Kwai.   | Mr. Andres Mojica.  |
| Czecho-Slovakia:   | Mr. Jorge Luis Paredes.                                       |
| Mr. J. Sousek.   | Mr. Jose Antonio Zubfreta.                                    |
| Mr. Charles Spinka.  | Paraguay:   |
| Mr. F. Hodacz.   | Mr. Arturo Campos.  |
| Mr. R. Tayerle.  | Dr. Manuel Gondra.  |
| Colombia:  | Persia:   |
| Dr. Carlos Adolfo Urueta.  | Mirza Abdul Ali Khan  |
| Cuba:  | Mirza Ali Asghar Khan.  |
| Mr. Carlos Armenteros y Cardenas.                                  | Peru:   |
| Mr. Francisco Carrera Justiz.                                      | Mr. Carlos Prevost.   |
| Denmark:   | Mr. Eduardo Higginson.  |
| Mr. S. Neumann.  | Mr. Vicente Gonzales.   |
| Mr. C. V. Bramsnaes.   | Mr. Victor A. Pujazon.  |
| Mr. C. F. Madsen.  | Poland:   |
| Mr. H. Vestesen.   | Mr. Franciszek Sokal.   |
| Ecuador:   | Mr. Jozef Rymer.  |
| Dr. Don Rafael H. Elizalde.  | Mr. Jan Zagleniczny.  |
| Dr. Don Juan Cueva Garcia.   | Mr. Edmund Bernatowicz.                                       |
| France:  | Portugal:   |
| Mr. Tony Reynond (substitute for Mr. Arthur Fontaine).             | Mr. José Barbosa.   |
| Mrs. Letellier (substitute for Mr. Max Lazard).                    | Mr. Alfredo Franco.   |
| Mr. P. Collinet (substitute for Mr. Louis Guérin).                 | Mr. Alvaro de Lacerda.  |
| Miss Jeanne Bouvier (substitute for Mr. Léon Jouhaux).             | Roumania:   |
| Great Britain:   | Mr. C. Orghidan.  |
| Mr. J. F. G. Price (substitute for Right Hon. G. N. Barnes).       | Mr. Gregoire Michasco.  |
| Sir Malcolm Delevingne.  | Salvador:   |
| Right Hon. C. W. Bowerman (substitute for Mr. D. S. Marjoribanks). | Don Salvador Sol.   |
| Mr. Howard Williams (substitute for Mr. G. H. Stuart-Bunning).     | Siam:   |
| Greece:  | Phya Prabha Karavongse.                                       |
| Mr. John Sofianopoulos.  | Phya Chanindr Bhakdi.   |
| Mr. Angelus Skinzopoulos.  | Serbs, Croats, and Slovenes:                                  |
| Mr. Eugene Cantacuzène.  | Dr. Ludevit Peritch   |
| Mr. Timoleon Lamprinopoulos.                                       | Mr. Marko Bauer.  |
| Guatemala:   | Mr. Sveta Frantz.   |
| Mr. Francisco Sanchez Latour.                                      | South Africa:   |
| Dr. Ramon Bengoechea.  | Mr. H. Warington Smith.                                       |
| Mr. Alfredo Palomo Rodriguez.                                      | Mr. William Gemmill.  |
| India:   | Mr. Archibald Crawford.                                       |
| Mr. Louls James Kershaw.   | Spain:  |
| Mr. Atul Chandra Chatterjee.                                       | Viscount de Eza.  |
| Mr. Alexander Robertson Murray.                                    | Mr. Adolfo Gonzales Posada.                                   |
| Mr. J. D. F. Engel (substitute for Mr. Narayan Malhar Joshi).      | Mr. Alfonso Sala.   |
| Italy:   | Mr. Francisco Largo Caballero.                                |
| Baron Mayor des Planches.  | Sweden:   |
| Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cabrini).  | Dr. E. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg). |
|  | Senator R. G. Alfred von Koch.                                |
|  | Senator Hjalmar von Sydow.                                    |
|  | Mr. A. Herman Lindqvist.                                      |
|  | Switzerland:  |
|  | Dr. Hermann Rufenacht.  |
|  | Mr. Dietrich Schindler.                                       |
|  | Mr. Conrad Ilg.   |
|  | Venezuela:  |
|  | Dr. Don Santos A. Dominici.                                   |



## TWELFTH SESSION—THURSDAY, NOVEMBER 13, 1919.

The conference convened at 2.40 o'clock p. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. The order of business is the continuation of the debate on the admission of new members. Mr. Fraipont, of the Belgian delegation, is recognized.

Mr. FRAIPONT (Belgium). I am a member of the committee the findings of which are now under discussion, and I voted to admit Finland. I therefore ask permission of the assembly to explain briefly my opinion in the matter. I have all the more reason for so doing as Sir Malcolm Delevingne accused the majority of the committee of provoking a split between the League of Nations and the labor organization.

In the lengthy discussion which took place here yesterday Finland was relegated to the mists of the north. The question brought before the conference is a question of principle, which certainly affects most deeply the special case of that country. The question can be stated in these terms: Has the present conference the right to admit to the labor organization a nation which does not happen to be a member of the League of Nations?

Gentlemen, if the League of Nations were legally constituted at this moment, the question would not arise, according to my way of thinking. Although the text of article 387 of the peace treaty does not expressly exclude from the labor organization a nation which is not yet a member of the League of Nations I am of the opinion that the two institutions were closely connected in the minds of the authors of the peace treaty; and that the labor organization is the first manifestation of the League of Nations. On that account the long report of Hon. Mr. Rowell is a highly valuable and accurate document which greatly impresses me.

At a meeting in Paris of the commission which discussed the organization of the labor congress, I asked our official delegates if the labor organization was to be formally considered as a body whose existence should follow the creation of the League of Nations. In answer I was informed quite positively that the labor organization was merely a part of the League of Nations. Whereupon I observed that it was illogical and rash to convene an International Labor Conference before the League of Nations had been legally constituted.

My suggestion found no response. In the peace treaty itself the meeting of the labor conference was set for October, 1919, in the hope that the League of Nations would be legally constituted between spring and fall, and that it would have the support of all nations.

This hope was not realized. The League of Nations is not completely established to-day, and the conference is being held under abnormal conditions. This anomaly is responsible for the present difficulties.

These difficulties presented themselves at the very first meetings in connection with the admission of Germany and Austria to this conference; and even the Supreme Allied Council itself has been embarrassed by these difficulties. At an early meeting the Supreme Council declared that German delegates could be admitted to the labor organization on completion of the work of this conference, signifying quite clearly that they would not be admitted to the deliberations of this conference, as Germany was not yet admitted to the League of Nations. Her admission to the one organization as well as to the other was delayed. At the very outset of this conference, for reasons which I do not care to state and which have little bearing on the present debate, the Supreme Council decided to submit to the conference itself the question of admitting German and Austrian delegates to participation in the debates and resolutions of the conference.

It has been said that this decision of the Supreme Council was the consequence of a convention concluded between Germany and Austria on one hand and the Allies on the other. It may be that there were some such arrangements between the Allies and their

enemies, but I would not recognize these negotiations as a convention. If, as a matter of fact, the Allies had been bound to Germany and Austria on this point, the Supreme Council would have admitted these countries de plano into the labor organization, either after or before this conference, in conformity with the alleged convention, and this conference would merely have been called upon to take notice of this convention and the formal decision of the Supreme Council. But nothing of the kind was done. The Supreme Council recognized in the conference itself the power of accepting or refusing participation of the German and Austrian delegates in the work and deliberations of the conference. In what country, pray, is the execution of a convention between two parties left to the judgment of a third party.

Assuming a formal convention between Germany, Austria, and the Allies, what would be the position of the Supreme Council if the conference had refused to admit the German and Austrian delegates? And it could do that, as the Supreme Council did not tie its hands in any way. Hence it is not by virtue of a convention that Germany and Austria were allowed to participate in our labors, but by virtue of a resolution of the conference, freely adopted and passed merely at the request of the Supreme Council. What, then, is the significance of this resolution of the conference and this request of the Supreme Council? Does it signify that both of them wished to lay down the principle that the labor organization is separate from the League of Nations? Does it signify that, contrary to the spirit if not the letter of the peace treaty, the conference may at any time receive nations into the labor organization which have not become members of the League of Nations? I think not.

In order to pass sound judgment upon this twofold decision, account must be taken of the circumstances under which the decisions were arrived at, namely, the abnormal status of this conference functioning before the parent organization, the League of Nations, could be put into operation. The whole thing is an expedient, and it must be regarded as an expedient necessitated by circumstances. In the face of the rather delicate problem of the functioning of the labor organization before the League of Nations had come into operation, the Supreme Council and the conference considered it an opportune moment, without affecting the principle of the union of the two institutions, to admit to the labor organization, provisionally and by force of circumstances, nations not as yet members of the League of Nations. In this respect, the admission of German and Austrian delegates constitutes a precedent, but a precedent which can only be applied within the limits of the present circumstances, and can not be established for the future, when the League of Nations, which is one with the labor organization, begins to function along with it. And it is within these narrow limits that I for my part have invoked this precedent in favor of Finland.

I am not asking the conference to establish the principle that it has the right under all circumstances to receive delegates to this organization from countries not yet members of the League of Nations. To my way of thinking that would be contrary to the spirit of the peace treaty. I ask that the same expedient be used in the case of Finland that has been employed in the case of Germany and Austria, where it was not considered necessary to refer the question to a special committee.

Sufficient emphasis has not been given to the fact that the question of the admission of Finland came up before the conference under the same conditions and almost in the same terms as the question of the admission of Germany and Austria.

The Supreme Council did not appeal to a previous convention in the case of Germany and Austria; it did not urge special consideration for these countries; it simply acknowledged as belonging to the conference the power to act on the request of these countries because of the abnormal circumstances surrounding the functioning of the conference before the complete organization of the League of Nations.



The Supreme Council did not act differently in the case of Finland. Following are the terms in which the Supreme Council put the request made by Finland before the conference:

OCTOBER 2, 1919.

It was resolved that the question asked by the secretary general of the International Labor Commission, relating to the admission of Finland, Norway, and the Netherlands to the conference at Washington should be left to the consideration of that conference.

Do you think for a moment, gentlemen, if the admission of Finland could be considered illegal, a flagrant violation of the peace treaty, if it could possibly involve a split between the League of Nations and the labor organization, that the Supreme Council, the jealous guardian and executor of the peace treaty, would have blithely turned over to this conference such a nefarious piece of work?

It must at least be recognized that if such a split could result from the admission of Finland, the members of the committee are not the instigators thereof, but the members of the Supreme Council themselves. You will not accept that supposition for a moment, gentlemen, so little flattering to the eminent personages on the council.

To prove to you that the members of the committee entertained no such dark designs, I shall reread to you the last sentence of the majority report which followed the text of the resolution.

Following is the significant sentence to which I refer:

The majority desire to be added to these resolutions a unanimous expression of opinion that all Governments adhering to the International Labor Organization should be urged to become members of the League of Nations and that the League of Nations should be urged to admit as effective members all countries making such application.

Singular supporters of divorce, those who demand an immediate marriage of the betrothed, and are still waiting for the consent of the family council.

No, gentlemen, there is no necessity for interpreting the resolution of the majority of the committee as a sacrilegious piece of work endangering the solidarity of the League of Nations and the labor organization.

I admit that the text of the resolution is perhaps couched in rather final terms, which might give rise to the belief that we desired to prejudice the future. The principle remains intact. We have no intention of prejudicing the future powers of the conference when it shall be called upon to function in harmony with the League of Nations. But inasmuch as it is functioning alone for the time being, and because of this exceptional and temporary situation, the Supreme Council requested us in the same terms to act on the request of Finland as we had already done on the requests of Germany and Austria. In order to make our resolutions more effective and more far reaching, let us give the same treatment to those who ask their admission in good faith as evidenced by accepting, in the words of the resolution, not only the rights but also the financial and social obligations involved in such admission.

Finland did not ask to come to this conference as if it were a spectacle, to listen to eloquent speeches in all tongues, but in order to take part in our labors and to submit to the decisions reached, not only with the same rights as Germany and Austria, but with the same rights as the 13 nations here represented, which do not as yet happen to be active members of the League of Nations. Let us not inflict on Finland the humiliation of discriminating against her. She has been waiting in the anteroom for nearly two weeks now, and it is high time to open to her the portals of the hall in which we are conducting our deliberations.

Inasmuch as no one here is hostile to Finland, and inasmuch as the question of principle affects only part of the members of this assembly, I ask them to rally to the support of the majority resolution of the committee. In order to satisfy their scruples I propose to amend the resolution of the majority by writing the last paragraph as follows:

*Resolved*, That under present conditions any State making formal application can be admitted to the International Labor Organization.

If this wording fails to satisfy the opponents of this resolution, I propose to make a motion, either before or afterwards, in the form of an amendment, to the effect that this resolution, dictated by circumstances, shall in no way affect the powers of the conference when it functions normally in harmony with the League of Nations.

I, for my part, will subscribe to this motion, and I think that the great majority of this assembly will subscribe thereto, thus indorsing the proposition so brilliantly supported by Hon. Mr. Rowell. We will receive Finland in conformity with the majority resolution of the committee, on the same footing as that accorded Germany and Austria, not by virtue of an exception to the peace treaty, not by virtue of an interpretation of the principle of the treaty, but by reason of the special circumstances under which the conference has to function before the normal functioning of the League of Nations. Thus the two apparently contradictory opinions will coincide, and the conference will comply with the request made by the Supreme Allied Council without making use of two different weights and measures, i. e., without revoking any precedents.

I venture to hope that Sir Malcolm Delevingne, whose sagacity I fully appreciate, and Hon. Newton Rowell, who has so eloquently championed the union of the League of Nations and the labor organization, will come over to this way of thinking.

The PRESIDENT. Dr. Espil, of Argentina, is recognized.

Dr. ESPIL (Argentina—remarks in Spanish). On behalf of the Argentine Government's delegation, I wish to state the reasons which decided our vote on the question of admission of Finland to the International Labor Organization. This statement is necessary in view of the fact that we are voting in favor of the minority's report, and the decision contained in this report is in appearance restrictive and exceptional, therefore requiring an explanation.

The unusual extent to which this debate has been carried on, and the great general interest that it has awakened, show that the real issue is not the admission of any country in particular, but the definition and the very existence of the League of Nations.

The status of Finland is not, to any appreciable degree, modified by the minority decision. With the exception of a right to vote, the representatives of Finland may participate in all the proceedings and discussions, may be appointed members of any committee, and when any suggestion, report, or draft convention has been adopted, they may submit that to their Government, and the latter, within a certain period of time, may in turn submit it to the proper authorities in that country who may either accept or reject the proposition without becoming liable for breach of obligations.

Therefore, at the present moment, the position that Finland occupies in the organization is not impaired, lessened, or made worse if the decision of the minority is carried.

On the other hand, if the majority report is adopted, without in any appreciable degree benefiting Finland, we would pass on a very serious question touching the very essence of the League of Nations, to the detriment of the efficiency, prestige, and influence of the league, depriving it of one of its most important attributes.

To adopt the majority report means a declaration of the principle that it is possible to be a member of this International Labor Organization or to cease to be a member, at will, and without the prerequisite of being a member of the League of Nations.

Nobody can fail to realize that at this moment, when the majority of the countries of the world do not yet form part of this covenant, when the general sentiment agrees on the necessity of rapidly constituting and consolidating this covenant, the best argument that can be brought forth to secure this end is the formation of this conference and the good results which may follow from it. This conference is the first manifest result and the first concrete and practical application of the new international political organization.

Should we now declare that this labor organization is autonomous and independent from the political organization, then we deprive the latter of one of its best elements of prestige, and create indifference toward the league by divorcing and separating its fate from that of the labor organization.

The small powers like our country can not view with indifference the endangered fate of the League of Nations, on whose future the inviolability of their territories and the peace of their independent existence depend; and it is for this reason that the Argentine delega-



tion consider themselves bound by their duty to vote as they have, and believe that by doing so they give further evidence of their enthusiastic adherence to the new international political organization.

Viewing the matter from a different standpoint, whatever the correct interpretation of article 387 of the treaty of peace may be, it is well to remember that the composition and wording of these clauses were intrusted by the Peace Conference to a special commission which submitted their draft on March 24, 1919, together with an explanation of their work. In this explanation it is stated that the first part, in which article 387 is included, was worded on the basis of a draft presented by the British delegation, formed by the Hon. Mr. Barnes and Sir Malcolm Delevingne, both of whom are now present at this conference. Therefore, the views of the British delegation on this subject are worthy of special consideration, and there is no doubt that after hearing the statements made yesterday by Sir Malcolm Delevingne, it must be admitted that there is, at least, a very serious doubt with regard to the interpretation of article 387 of the treaty, which this conference can not ignore.

Article 423 states that any similar case of doubt must be referred to the permanent court of international justice, and in its absence, not to the Supreme Council, as somebody has suggested, but to a tribunal of three persons appointed by the council of the League of Nations, as provided in article 426.

In short, the views of the Argentine delegation could be embodied in the well-known symbol of lawyers who have represented justice as bearing a sword in one hand and a pair of scales in the other. The sword without the scales would be brute force, while the scales without the sword would be illusory right, impotent, and without strength to bind. We also wish to represent international justice from the outset as the Greek goddess Themis, with the scales to administer justice, but also with the power to make her work effective and not leave it hidden in the shadows of impotence. [Applause.]

The PRESIDENT. Mr. Christie, of the Canadian delegation, is recognized.

Mr. CHRISTIE (substitute for Mr. Rowell, Canada). Mr. President, in the unavoidable absence of Mr. Rowell I rise to make a brief statement and proposal, which I hope will result in a satisfactory solution of the question now before the conference.

At the conclusion of his remarks yesterday, Judge Castberg, Government delegate from Norway, threw out the suggestion that the resolution proposed by the minority report of the committee on applications for admission would be acceptable if, without mentioning the International Labor Organization, there were added to the second part of the resolution some words to the effect that the delegates of Finland should be admitted simply to the conference on the same conditions as obtain in the case of many other countries represented here.

On behalf of Mr. Rowell I am happy to accept this suggestion. Accordingly I propose that there should be added to the resolution submitted by Mr. Rowell in his minority report the following words:

On the same conditions as obtain in the case of other countries which have not adhered to the covenant of the League of Nations.

In this form the resolution will secure the practical object on which we are all agreed, so far as Finland is concerned, and at the same time will not prejudice the constitutional foundation of the International Labor Organization, nor cast any unfortunate doubts in any quarter upon the validity of its action. The resolution in this form is the more confidently commended to the approval of the conference because, as I am authorized to say, it is in accordance with the desire of the delegates from Finland. I have hope also that it will now prove acceptable to the conference.

In conclusion, I shall read the resolution as it will appear with the addition of the words already proposed and with the slight omissions. In this form I consider that it is preferable to the amended majority report just proposed by Mr. Fraipont.

The revised resolution is as follows:

#### RESOLUTION CONCERNING THE REQUEST OF FINLAND FOR ADMISSION TO THE INTERNATIONAL LABOR ORGANIZATION.

1. In view of the opinion of the legal adviser of the conference that admission to membership in the International Labor Organization can only be secured through membership in the League of Nations, and that the conference itself has no power to grant membership in the labor organization; in view also of the action of the Supreme Council in submitting the question of Finland's admission to the judgment of the conference, the conference is of the opinion that the immediate admission of Finland as a member of the labor organization is desirable, and the conference commends, therefore, to the favorable consideration of the League of Nations the immediate admission of Finland to the league upon her compliance with the necessary conditions.

2. The conference welcomes the delegates nominated by Finland to attend the Washington meeting, and invites these delegates to take part in the conference on the same conditions as obtain in the case of other countries which have not adhered to the covenant of the League of Nations.

The PRESIDENT. Mr. G. H. Stuart-Bunning, of Great Britain, is recognized.

Mr. STUART-BUNNING (Great Britain). The argument against the majority report is that if we admit Finland, something irregular will have been done which might easily spoil, if not ruin, the whole of our work. That argument would be of very great strength and weight indeed were it not for the fact that we have admitted Germany and Austria. And no amount of juggling with words, and no ingenuity will do away with the fact that we have admitted Germany and Austria. That being so, the argument of irregularity, so far as Finland is concerned, entirely fails, for if any mischief is to be done it has been done already. Moreover, if we refuse to accept the majority report we lay ourselves open to the worst possible reproach which this conference can be open to. We lay ourselves open to the reproach that because Germany and Austria are great, powerful nations, and formidable competitors we have admitted them irregularly, but because Finland is a small nation we have kept it out. [Applause.]

I suggest to this conference that is a reproach which we can not afford to incur. I would not, however, have arisen to speak were it not for the speech of Sir Malcolm Delevingne yesterday, wherein he stated that if the Baldesi report were accepted the British Government would certainly appeal to a higher court. I do not want to accuse Sir Malcolm of threatening this conference, but certainly his words are capable of that interpretation, and I want to protest against threats from any delegate, whether of Government, employer, or labor, being uttered in this conference. Language of that kind is exceedingly unfortunate and may easily destroy the amity which is the very keynote of our success. Then Sir Malcolm went on to say, though probably this was a slip, that he was speaking for the British Government and the British delegation. He was certainly not speaking for that part of the British delegation which is represented by labor, which intends to vote for the Baldesi report. [Applause.]

It has been stated on more than one occasion that we are discussing a question of principle, but I suggest to you that the principle is being overlaid with matters of legal and technical detail. What is the principle which ought to guide this conference? It is surely the principle of admitting every nation possible to its deliberations and with full powers, and not the principle of excluding every nation possible. Sir Malcolm again appears to be proceeding upon the latter assumption and excluding nations which do not come within the four corners of an exceedingly rigid constitution. Now, I submit that is not the correct principle, and I again refer to the fact that Austria and Germany have been admitted. Mr. Rowell said, or Mr. Rowell suggested, rather, that Finland might be treated in the same way as the United States. I submit that there is no analogy between the two cases. We unanimously, with the consent of Mr. Rowell, with the consent of everybody, invited the United States to take part in this debate, as far as it could, but we had before us no request from the United States Government for reasons beyond our control, and presumably beyond their control, but we had no request from them, we had no delegates from them. We have a request from the Finnish Government, and we have their



delegates here. There is, therefore, in my opinion, no analogy between the two cases, and the question we have to decide is not whether Finland should be admitted with an inferior status but whether it should be admitted with full powers or not admitted at all.

It was also stated yesterday by Sir Malcolm that we were going beyond or would be going beyond the request of the Finnish Government if we admitted them with full powers, and he based that upon the fact that they had applied for admission to this conference. I do not know how Sir Malcolm arrived at his conclusions, or at least I can only offer one suggestion. When you take a ride on the American railway cars you pay for admission to the car and then you pay extra for your parlor seat, and, apparently, Sir Malcolm was so filled with admiration for that principle that he wanted to apply it to the proceedings of this conference; but I do submit that there is nothing whatever in the wording of the convention or in the wording of any of our standing orders which justifies him in doing anything of the kind.

I want, however, to come back to the one point of principle which I endeavor to make, which is that it is our duty to bring in every nation which we can legitimately. I admit the point of the argument with regard to whether we can legitimately do it or not, but that question has been settled by our own conduct.

It was mentioned yesterday, or talked of yesterday, as though membership in this conference was a great and blessed gift showered upon the particularly favored nation which might happen to get it. I entirely agree. It is a blessing which blesteth him that gives as well as him that takes. We are not asking any nation to join this particular assembly entirely for that nation's benefit. We are asking it to join in order that we may set up a comity of nations, and because of that principle I am going to vote, as the British labor delegate, in favor of the Baldesi report.

The PRESIDENT. The representative from Ecuador, Dr. Garcia.

Dr. GARCIA (Ecuador). Mr. President, I move to close the discussion. We have been here three weeks; we have not finished with the first point of the agenda. We are going to be here for five or six months to end the whole work. This point is very important, but we have heard already the opinions of both sides. One side maintains that the matter is absolutely technical, and has been supported by the representatives of Great Britain, who have more strongly and emphatically declared that they can not accept the League of Nations as separated in practice from the labor organization. We have heard the arguments of the other side, some of them sentimental, some of them stating that the labor organization must not be political and must be divorced, to a certain extent, from the League of Nations.

I think we have heard everything pertaining to this very important matter; and if I have support, I move to close the discussion, so that we may continue with something else and go home by the middle of next year. [Laughter.]

The PRESIDENT. May I state for the information of the conference, before putting Dr. Garcia's motion, that the Chair is advised that an agreement has been reached between the majority and the minority, and, without objections, Mr. Baldesi will be recognized to move the amendment that constitutes the agreement between the majority and the minority?

Mr. DRAPER (Canada). After Mr. Baldesi has made his remarks, will that close the debate?

The PRESIDENT. Yes.

Mr. DRAPER (Canada). Thank you.

The PRESIDENT. Mr. Baldesi, of the Italian delegation.

Mr. BALDESI (Italy—remarks in Italian): A motion has now been substituted by Mr. Christie on behalf of the minority with which the majority can agree, with certain alterations which I will suggest; but before offering them I would like to say one or two words in closing this discussion, because this debate will certainly

remain in the annals of the work of this conference, as it has dealt with a question of great importance.

The acquiescence of the minority in the admission of Finland destroys the arguments that were brought forward yesterday, on the grounds that such admission was not permissible, and therefore I think that this constitutes the recognition of the right of admittance to this body.

It was stated yesterday that Germany and Austria had been admitted to this meeting because there was a previous understanding with those countries on that subject before the peace treaty was signed, but the fact that their admission was referred to this conference shows that that argument does not hold good, because if they had been admitted as the result of a previous agreement there was then no call for submitting the question to this assembly at all.

The PRESIDENT. May I call the attention of the representative to the fact that the motion to close debate had been made and that it was only upon the understanding that an agreement had been reached between the majority and the minority that the representative from Italy was recognized, and not for the purpose of continuing debate upon the subject?

Mr. BALDESI (Italy—remarks in Italian): I thought that the custom here would be the same as it is in the Parliament in my country, where the reporter always has the right to the closing remarks in a debate. But I accept the ruling of the Chair and on behalf of the majority I may state that they will accept the motion submitted by Mr. Christie, with these amendments, namely, that the first part be struck out, and that the second part be adopted as follows with the addition of the words which I will now read: "without passing on the question of principle."

It would therefore read as follows:

The conference, without passing on the question of principle, welcomes the delegates nominated by Finland to attend the Washington meeting, and invites these delegates to take part in the conference on the same conditions as obtain in the case of other countries which have not adhered to the covenant of the League of Nations.

The PRESIDENT. The question will recur upon the adoption of the proposition just made by Mr. Baldesi.

As many as favor the adoption of that proposition will signify the same by raising their right hands and keeping them raised until counted.

[Votes counted.]

Down. Those opposed raise their right hands.

Agreed to unanimously. [Applause.]

Dr. Garcia, of Ecuador, is recognized.

Dr. GARCIA (Ecuador). We have been discussing the matter now for a day and a half, not on account of the problem of Finland, but to decide in what way the nations are to be admitted into the labor conference. The important point is for the conference to know how the nations are going to be accepted into the conference. That is the important point. That is the point we are here discussing.

Now, after accepting Finland on the terms upon which we have just now done, I move that the conference, having closed the discussion of the point, decide also the other part of the proposition—whether the nations are to be accepted into the labor conference through the door of the League of Nations or shall they make application directly to the conference.

The PRESIDENT. May I ask the indulgence of the conference for the Chair for a few minutes in connection with this academic question which you have been dealing with for the past two days? It should be borne in mind, in the first place, that this is not a self-constituted body; it is a body created by the treaty of peace and can have no powers other than those that are conferred upon it by that treaty. It should also be borne in mind that the treaty itself provides a method by which disputes as to the powers of this body can be determined, yet that method can not be exercised until there has been a League of Nations created. Until the League of



Nations has been created, this body must assume the responsibility of interpreting for itself what its powers are, taking the chance of having its interpretation of its powers reversed by the constituted authority when it comes into existence. I make the statement at this time because of the fact that this conference is not a thoroughly organized conference. We have admitted certain nations to representation here by virtue of the fact that we were but in the process of organization. When that process is completed and the League of Nations is created, then if any one of the representatives of this body questions the right of any nation to be represented in this body and denies that it can be represented in accordance with the terms of the treaty of peace, then that dispute can be taken at that time to the properly constituted authorities for adjudication. In the meantime the sole power and the sole responsibility of interpreting the law must rest with this body.

The motion made by Dr. Garcia is that the first part of the resolution of the minority that was stricken out be adopted.

Dr. GARCIA (Ecuador). To be voted.

The PRESIDENT. "I move to vote that the first part of the resolution of the minority that has been stricken out" is the motion.

Mr. DRAPER (Canada). Mr. Chairman, realizing the importance of the statement just made by you regarding the status of this conference, I would like to ask this: In your opinion, can the deliberations of this conference be reviewed and its action rejected, amended, or adopted by the League of Nations when it is constituted?

The PRESIDENT. No. Whenever a question of dispute arises in connection with the terms of this part of the treaty, that dispute may be adjusted by a committee of three under the terms of article 426; may be passed upon by a commission of three appointed by the Supreme Council, until there is created an international court of justice. When the international court of justice is created, then whatever disputes may occur as to the interpretation of this part of the treaty would be referred to that international court of justice. That is all.

Mr. DRAPER (Canada). Cases in dispute.

The PRESIDENT. And this that you have been discussing would constitute a question of the interpretation of that part of the treaty, and if there was a dispute in connection with it, if anybody raised the question after the League of Nations had been created, then at that time and under those circumstances, the dispute could be carried to the international court of justice. For the present, no such international court exists, and because no such international court exists, this body must assume its own responsibility of making its own interpretation.

The Chair is of the opinion that the motion made by Dr. Garcia is not in order. The amendment made by Mr. Baldesi to the motion or substitute offered by Mr. Rowell—or rather the amendment offered by Mr. Christie, Mr. Rowell's substitute—struck out all of the first section and prefixed the following language to the second section: "without giving a ruling on the question of principle." The motion of Dr. Garcia undertakes to give a ruling on the question of principle which the conference has just passed upon, and consequently the Chair is of the opinion that the motion of Dr. Garcia is not in order.

Dr. GARCIA (Ecuador). Mr. President, I have sent word that I have withdrawn the motion on account of your decision. My desire has been to find out what was the way to come into the labor conference, as the thing has been entirely sidetracked by the agreed report of both the majority and the minority. But as you have decided already, and, to my understanding, very wisely, that any dispute must be decided by the committee of three, I thought that the matter was ended and I sent word up to you that I have withdrawn my motion.

The PRESIDENT. The motion of Dr. Garcia is withdrawn.

The secretary will read correspondence.

Mr. CRAWFORD (South Africa). Mr. Chairman.

The PRESIDENT. Mr. Crawford.

Mr. CRAWFORD. Could I submit a motion in connection with this matter? In order to avoid a recurrence of this discussion which has occupied two days, I beg to move the following resolution:

That the attention of the League of Nations, when created, be drawn to the records of the discussion on the application of Finland for admission to membership in the International Labor Conference, with a request that an interpretation be given of the powers of the International Labor Conference in respect to the admission of nations not members of the League of Nations. Further, that in the event of the decision of the league being unfavorable to the view expressed in the majority report submitted by Mr. Baldesi, an appeal be made to the permanent court of international justice, when same is created.

The PRESIDENT. Without objection, the motion of Mr. Crawford will be printed for consideration at the next session.

The secretary advises me that he has a telegram that should be read to the conference before adjournment.

The SECRETARY GENERAL. The Austrian delegation at Paris has communicated to the Government of the United States the following telegram:

Although it is not possible for the Austrian Government to send its own representatives to the labor conference, for known reasons, the Austrian Government follows with the greatest interest the progress of this conference in its work for the benefit of humanity, and the Austrian Government begs the Government of the United States to transmit to the labor conference at Washington its best wishes for the final success of the conference.

The commission of the Austrian trade-unions adhere fully to this declaration of the Austrian Government.

The PRESIDENT. Without objection, the conference will stand adjourned until 2.30 o'clock on Monday afternoon. Hearing none, it is so ordered.

[Whereupon, at 4.55 o'clock p. m., an adjournment was taken to Monday, November 17, 1919, at 2.30 o'clock p. m.]

The following delegates were present:

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| Argentina:   | France:   |
| Dr. Leonidas Anastasi.   | Mr. Tony Reymond (substitute for Mr. Arthur Fontaine).                                    |
| Dr. Felipe Espil.  | Mrs. Letellier, (substitute for Mr. Max Lazard).  |
| Mr. Hermenegildo Pini.   | Mr. P. Collinet (substitute for Mr. Louis Guérin).  |
| Mr. Americo Balino.  | Mr. Dumoulin (substitute for Mr. Lon Jouhaux).  |
| Belgium:   | Great Britain:  |
| Mr. A. Julin (substitute for Mr. Ernest Mahaim).               | Mr. J. F. G. Price (substitute for Right Hon. G. N. Barnes).                              |
| Mr. Guillaume Solau (substitute for Mr. Corneille Mertens).    | Sir Malcolm Delevingne.   |
| Mr. Marcel Fralpont (substitute for Mr. Jules Carlier).        | Mr. Howard Williams (substitute for Mr. D. S. Marjoribanks).                              |
| Canada:  | Mr. G. H. Stuart-Bunning.   |
| Mr. Gerald H. Brown (substitute for Hon. Gideon D. Robertson). | Greece:   |
| Mr. Loring C. Christie (substitute for Hon. Newton W. Rowell.) | Mr. John Sofianopoulos.   |
| Mr. E. Blake Robertson (substitute for Mr. S. R. Parsons).     | Mr. Angelus Skinzopoulos.   |
| Mr. P. M. Draper.  | Mr. Eugene Cantaeuzène.   |
| Chile:   | Mr. Timoleon Lamprinopoulos.  |
| Mr. Gustavo Munizaga Varela.                                   | Guatemala:  |
| Mr. F. N. del Rio.   | Mr. Franeiseo Sanchez Latour.   |
| China:   | Dr. Ramon Bengoechea.   |
| Mr. Lingoh Wang.   | Mr. Alfredo Palomo Rodriguez.   |
| Colombia:  | Mr. Manuel Moreno.  |
| Dr. Carlos Adolfo Urueta.                                      | India:  |
| Cuba:  | Mr. J. D. F. Engel (substitute for Mr. Louis James Kershaw; Mr. Atul Chandra Chatterjee). |
| Mr. Carlos Armenteros y Cardenas.                              | Mr. Alexander Robertson Murray.   |
| Mr. Franeiseo Carrera Justiz.                                  | Italy:  |
| Mr. Luis Rosalnz y de los Reyes.                               | Baron Mayor des Planches.   |
| Czecho-Slovakia:   | Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cabrini).                         |
| Mr. J. Sousek.   | Comm. E. Baroni.  |
| Mr. Charles Spinka.  | Mr. Gino Baldesi.   |
| Mr. F. Hodaetz.  | Japan:  |
| Mr. R. Tayerle.  | Mr. E. Kamada.  |
| Denmark:   | Mr. K. Kiga (substitute for Dr. Minoru Oka).  |
| Mr. S. Neumann.  | Mr. I. Nakahara (substitute for Mr. Sanji Muto).  |
| Mr. C. V. Bramsnaes.   | Mr. Shlehiro Muto (substitute of Mr. Uhei Masumoto).                                      |
| Mr. C. F. Madsen.  |   |
| Mr. H. Vestesen.   |   |
| Ecuador:   |   |
| Dr. Don Rafael H. Elizalde.                                    |   |
| Dr. Don Juan Cueva Garcia.                                     |   |



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| Netherlands:   | Roumania:  |
| Mgr. W. H. Nolens.                                     | Mr. C. Orghidan.   |
| Mr. J. A. E. Verkade.                                  | Mr. Gregoire Michaelesco.  |
| Mr. P. Serrarens (substitute for Mr. J. Oudegeest).    | Salvador:  |
| Norway:  | Don Salvador Sol.  |
| Judge I. M. Lund.                                      | Serbs, Croats, and Slovenes:                                     |
| Mr. G. Paus.   | Dr. Velimir Stoykovitch (substitute for Dr. Slavko Y. Grouitch). |
| Mr. J. Teigen (substitute for Mr. Ole Lian).           | Dr. Ludevit Peritch.   |
| Panama:  | Mr. Marko Bauer.   |
| Mr. Andres Mojica.                                     | Mr. Sveta Frantz.  |
| Mr. Jorge Luis Paredes.                                | Siam:  |
| Mr. Federico Calvo.                                    | Phya Prabha Karavongse.  |
| Paraguay:  | Phya Chanindr Bhakdi.  |
| Dr. Manuel Gondra.                                     | South Africa:  |
| Persia:  | Mr. H. Warrington Smyth.   |
| Mirza Abdul Ali Kahn.                                  | Mr. William Gemmill.   |
| Mirza Ali Asghar Kahn.                                 | Mr. Archibald Crawford.  |
| Peru:  | Spain:   |
| Mr. Carlos Prevost.                                    | Mr. Adolfo Gonzalez Posada.                                      |
| Mr. Eduardo Higginson.                                 | Mr. Alfonso Sala.  |
| Mr. Vicente Gonzalez.                                  | Mr. Francisco Largo Caballero.                                   |
| Mr. Victor A. Pujazon.                                 | Sweden:  |
| Poland:  | Dr. E. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg).    |
| Mr. Franciszek Sokal.                                  | Senator R. G. Halfred von Koch.                                  |
| Mr. Jozef Rymer.                                       | Senator Hjalmar von Sydow.                                       |
| Mr. Fastizbowski (substitute for Mr. Jan Zagleniczny). | Switzerland:   |
| Mr. Edmund Bernatowicz.                                | Dr. Hermann Rufenacht.   |
| Portugal:  | Mr. Conrad Ilg.  |
| Mr. Alfredo Franco.                                    | Uruguay:   |
| Mr. José Barbosa.                                      | Dr. Jacobo Varela.   |
| Mr. Alvaro de Lacerdo.                                 | Venezuela:   |
|  | Dr. Don Santos A. Dominici.                                      |

WASHINGTON, D. C.,  
Saturday, November 15, 1919.

The conference was not in session to-day.

The following letter has been addressed to chairmen of committees by direction of the committee of selection:

DEAR SIR: The committee of selection had under discussion this morning the future program for the work of the conference. As several delegations have made arrangements to leave America on December 3, and some at an even earlier date, it was decided that it was absolutely necessary to bring the work of the conference to a conclusion by November 29.

If this end is to be achieved it is essential that the reports of committees should be submitted to the conference at the earliest possible moment, and that committees which have completed part of their work should present a report on that part without delay, and without waiting to complete the remainder of the program.

It appears that my letter of yesterday has been misunderstood in some cases to mean that it is not necessary to send in the reports of the committees until the end of next week. I should like to point out that it was requested that reports should be submitted by the end of next week at the latest, and that in order to complete the work of the conference within the time at its disposal, it is imperative that some of the reports should be in the hands of the conference not later than Wednesday next. I should, therefore, be glad if you would impress upon your colleagues the necessity of completing their work with the greatest possible dispatch, and that you would inform me on Monday morning of the approximate date on which you expect to send in your report.

If the reports are to be presented to the conference without delay, it is necessary to make provision for their translation beforehand, and this can not be done unless sufficient notice is received by the secretariat. I am,

Your obedient servant,

H. B. BUTLER, *Secretary General*.

## THIRTEENTH SESSION—MONDAY, NOVEMBER 17, 1919.

The conference convened at 3 o'clock p. m., Right Hon. G. N. Barnes (Great Britain) presiding.

The PRESIDENT. Ladies and gentlemen, I think an apology is due to you for having been brought together and then there being nobody here to take charge of the meeting. I do not know how that has arisen, because I have been busily engaged during the last few days, twice a day, in the morning with the eastern committee and in the afternoon with the special committee of 15 that you set up to consider the eight-hour day. Consequently I have been out of touch altogether with the conference proceedings here. But I understand that last week you adjourned on a motion to meet again to-day. The wind-up of the last meeting recorded an adjournment to Monday at 2.30 p. m.

As none of the reports are ready for discussion, the committee of selection recommended that the conference should sit on Wednesday afternoon. The matter is entirely in your hands as to the period which should elapse before you meet again. As I understand, you decided last Thursday to meet to-day for the purpose of adjourning until to-morrow, and then the committee of selection appeared to have added to that a further suggestion that you meet again on Wednesday afternoon. I expect the reason for that is that the committee find that there are none of the reports ready for to-morrow.

Mr. DRAPER (Canada). Has the secretary general any information to impart to the conference before we adjourn?

The PRESIDENT. Well, my difficulty is, Mr. Draper, that the secretary general is not here, and I do not know why he is not here, and I have no more information than any lady or gentleman upon the floor.

Mr. DRAPER (Canada). It may not be apparent to you, Mr. President, and the delegates constituting the conference, that the whole work of the conference now depends upon the reports of the different committees, and if there is no committee ready to report, all that we can do is to adjourn to-day until such time as some one of the committees is ready to report. Now, the question that occurs to my mind is, is it preferable to adjourn until to-morrow at 2.30, or

until Wednesday at 2.30? That is the point. However, I move, that as there is no report from any of the committees, that we adjourn until Wednesday at 2.30. Then we will have some business surely to go on with.

The PRESIDENT. I have just been informed that there are no reports likely to be ready until Wednesday morning, and that being so, I think Mr. Draper's motion will be perfectly in order, that we adjourn until Wednesday afternoon. But, before putting that, I have a request to make, which is as follows: That the delegates from the West Indies and from Central and from South American countries are requested to remain in this room after the conference adjourns, in order to designate three representatives—one Government, one workers', and one employers'—to act on the committee appointed to consider the application of the eight-hour day to tropical countries.

If those delegates are present in the room, will they please remain after the adjournment, in order that they may select their three men for that committee and then send the names in to Mr. Butler.

Mr. CRAWFORD (South Africa). Mr. President—

The PRESIDENT. Mr. Crawford, do you want to raise a point?

Mr. CRAWFORD (South Africa). With regard to the motion standing in my name, I have received a revised draft from Mr. Hudson, the lawyer, and I want to accept that draft and to put it in. I would like to read it to the conference and hand it in for translation.

The conference recognizes that a question has arisen concerning the competence of the Labor Conference to admit to the labor organization countries other than Germany and Austria which may not be members of the League of Nations, and since this question relates to the interpretation of the labor part of the treaty of peace within the meaning of the provisions of article 423 of the treaty with Germany, it hereby directs the officials of the conference to draw the attention of the council of the League of Nations when created to the fact that this question has arisen and to the records of the discussions on the application of Finland for admission to membership in the International Labor Conference, with a request that the council refer this question for decision to the permanent court of international justice provided for in article 14 of the covenant at the earliest possible date.



The PRESIDENT. I think there can be no objection to Mr. Crawford handing that in and having that printed in substitution for the resolution already upon the paper. The motion is that of Mr. Draper, that the conference adjourn until Wednesday afternoon at half past two.

All those in favor please signify.

[Votes counted.]

Are there any opposed?

There are none. Adjourned until 2.30 Wednesday.

[Whereupon, at 3.10 o'clock p. m., an adjournment was taken to Wednesday, November 19, 1919, at 2.30 o'clock p. m.]

The following delegates were present:

|   |  |
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| Argentina:  | Czecho-Slovakia:                                   |
| Dr. Leonidas Anastasi.  | Mr. Charles Spinka.                                |
| Dr. Felipe Espil.   | Mr. R. Tayerle.                                    |
| Mr. Hermenegildo Pini.  |  |
| Mr. Americo Balino.   | Colombia:  |
| Canada:   | Dr. Carlos Adolfo Urueta.                          |
| Mr. Gerald H. Brown (substitute for Hon. Glendon D. Robertson). | Cuba:  |
| Mr. P. M. Draper.   | Mr. Carlos Armenteros y Cardenas.                  |
| Mr. J. B. Hugg (substitute for Mr. S. R. Parsons).              | Mr. Francisco Carrera Justiz.                      |
| Chile:  | Mr. Luis Rosainz y de los Reyes.                   |
| Mr. Gustavo Munizaga Varela.                                    | Denmark:   |
| Mr. F. Nieto Del Rio.   | Mr. C. F. Madsen.                                  |
| China:  | France:  |
| Mr. Lingoh Wang.  | Mr. P. Collinet (substitute for Mr. Louis Guérin). |

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|--|-----------------------------|
| Finland:   | Paraguay:                   |
| Mr. Matti Paasivuori.  | Dr. Manuel Gondra.          |
| Mr. Robert Lavonius.   | Mr. Arturo R. Campos.       |
| Mr. Nülio Mannio.  | Persia:                     |
| Mr. A. H. Saastamoinen.                                      | Mirza Abdul Ali Khan        |
| Great Britain:   | Mirza Ali Asghar Khan.      |
| Mr. Howard Williams (substitute for Mr. D. S. Marjoribanks.) | Peru:                       |
| Greece:  | Mr. Carlos Prevost          |
| Mr. Angelus Skinzopoulos.                                    | Mr. Eduardo Higginson       |
| Guatemala:   | Mr. Victor A. Pujaon.       |
| Mr. Franeisco Sanchez Latour.                                | Poland:                     |
| Dr. Ramon Bengochea.   | Mr. Franciszek Sokal.       |
| Mr. Alfredo Palomo Rodriguez.                                | Mr. Jozef Rymer.            |
| Mr. Manuel Moreno.   | Mr. Edmund Bernatowicz      |
| Italy:   | Portugal:                   |
| Baron Mayor des Planches.                                    | Mr. Alvaro de Lacerda.      |
| Dr. G. di Palma Castiglione.                                 | Mr. Alfredo Franco.         |
| Japan:   | Roumania:                   |
| Mr. Sanji Muto.  | Mr. C. Orghidan.            |
| Netherlands:   | Mr. Gregoire Michalesco.    |
| Mgr. W. H. Nolens.   | South Africa:               |
| Mr. G. J. van Thienen.                                       | Mr. Archibald Crawford.     |
| Mr. J. A. E. Verkade.  | Sweden:                     |
| Mr. B. Holtrop (substitute for Mr. J. Oudegeest.)            | Mr. A. Herman Lindqvist.    |
| Nicaragua:   | Switzerland:                |
| Señor Don Ramon Enriquez.                                    | Dr. Hermann Rufenacht.      |
| Norway:  | Mr. Conrad Ilg.             |
| Judge I. M. Lund.  | Venezuela:                  |
|  | Dr. Don Santos A. Dominici. |

## FOURTEENTH SESSION—WEDNESDAY, NOVEMBER 19, 1919.

The conference convened at 2.45 o'clock p. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. The secretary will make announcements.

The SECRETARY GENERAL. There has been no previous opportunity of bringing formally before the conference the names of the drafting committee as approved by the committee of selection under article 12 of the standing orders. The names of the committee are: M. Mahaim, M. Lazard, Mr. Christie, Mr. Hudson, and Capt. Abraham.

The PRESIDENT. The first order of business this afternoon is the report of the commission on the employment of children. The chairman of the commission is recognized, Sir Malcolm Delevingne.

Sir MALCOLM DELEVINGNE (Great Britain). Mr. President, I move that the report of the commission on children's employment in reference to the age of admission of children into industrial employment be adopted by this conference.

In making that motion submitting the proposals of the committee to the conference for their favorable consideration and acceptance, I desire to say that the commission throughout have kept in view that the object was, first, to obtain a real advance on existing conditions and, secondly, to make proposals which would be likely to meet with general acceptance.

Acting in this spirit the commission has been able to reach unanimous recommendations on the main points, the age of admission and the application of the convention. In regard to the question of age they have agreed to recommend that it be fixed at 14 years of age for all industrial employment. Reservations were made by certain States as to the grant of a period of transition during which some exceptions might be allowed, but these were transitional only, and the general principle that no child below the age of 14 years should be employed in industrial occupation was unanimously agreed to. The conference will appreciate that if this recommendation is approved and adopted by the Governments, it will be a very substantial gain which the conference will have achieved. A reference to the report of the organizing committee, in which the existing conditions are set out, will show that in most countries, including many of the most advanced, the recommendation will carry the law to a

point considerably beyond that already reached. There were members of the commission who desired to see a higher age—

Mr. DRAPER (Canada). A point of order, Mr. President. We can not understand a word that Sir Malcolm is saying, at this part of the hall.

The PRESIDENT. I don't know what the point of order is, but the conference will be in order.

Mr. CRAWFORD (South Africa). May I suggest, Mr. President, that Sir Malcolm be asked to come up to the front and speak?

The PRESIDENT. It is suggested that Sir Malcolm come to the front, as those at the far end of the hall say that they can not hear.

Sir MALCOLM DELEVINGNE (Great Britain). I have my reports here in case they are needed. If the conference would only maintain a little order, I think I could make myself heard.

The PRESIDENT. Just a moment, Sir Malcolm. Let us assume for the sake of convenient conduct of the conference that there is but one conference going on here at this time, and that all the subsidiary conferences are for the time being adjourned.

Sir MALCOLM DELEVINGNE (Great Britain). I was saying, Mr. President, that there were members of the commission who desired to see a higher age than 14 fixed in convention, but it was recognized that it would not be possible in the present circumstances to go beyond the age of 14—to get a higher age than 14 generally adopted by the Governments. Those members have agreed to recommend the age of 14 in the hope that at some later conference a further advance might be made.

On the question of the application of the convention there is also unanimity. Some members desired to see the convention extended to all employments and not to industrial employments only; but they recognized also that matters were hardly right for a discussion of such an extension at the present conference. No examination had been made by the organizing committee of any employments except industrial employments, and no representatives of agriculture, commerce, or other employments were present at the conference.

I now come to two matters which caused the commission considerable difficulty and on which it was not able to reach a unanimous conclusion.



The first of these was the question of allowing some exception through the transitional period in the case of those countries where the age of leaving school under the educational law has not been fixed at as high an age as 14. It was represented to the commission that in those countries the immediate adoption of the proposal of the commission would leave a gap between the time at which the children would leave school and the time at which they would be admitted to employment, which otherwise could not be filled, and that it would not be possible, within the limit of time allowed by the draft convention, to make the educational arrangements which would be necessary to fill that gap by a continuance of the child's education. The commission recognized that this was a serious difficulty, but they came to the conclusion, by a majority vote, that the date fixed in the draft convention—that is, the 1st of January, 1922, two years from the present time—should stand. The conference will no doubt hear from the representatives of those countries to whom the question is of especial importance their view of this aspect of the question.

The other matter was the question of the modifications, if any, to be allowed in the case of those countries with special climatic or industrial conditions. A subcommittee was appointed by the commission to consider the matter, and that subcommittee made a thorough examination of the question, and we have the advantage of hearing the views of the representatives—Government, employers', and workers' delegates—of the countries affected.

The countries fell into two groups; on one side was Japan, on the other side were the other oriental countries, India, China, Persia, and Siam. The Japanese Government delegate submitted proposals on behalf of his Government, and after considerable discussion they were accepted with a certain qualification which the Japanese delegate was able to accept. I desire on behalf of the commission to recognize the spirit in which we were met by the Japanese delegates.

As regards the other group, the commission was placed at a considerable difficulty by not having any materials before it on which to come to a satisfactory conclusion. So far as India was concerned—and India, of course, was the principal country in this group—the Indian delegates were in the unfortunate position that the proposals of the organizing committee had not reached India at the time when the delegation started on their way. It was represented to the commission that the Indian Government had the matter under consideration at the present moment in connection with the question of the introduction of an educational system and that decision had not yet been arrived at.

Two proposals were submitted to the commission. One proposal was that the commission should fix a limit of age for adoption by this group of countries, if they saw fit, and that limit of age was fixed, for certain specified industries, at 12. The other suggestion was that, without coming to a decision one way or the other, they should recommend that the matter be brought up again at next year's conference, by which time it is hoped that the proposals of the Indian Government would have been received and that then a definite convention supplementary to the present convention might be framed.

The commission had to decide between these two proposals—to make up their minds under which of the two the best results would be secured. On the one hand, the adoption by the commission of a definite limit of age which might not be approved by the Indian Government would leave the question exactly where it is at present, and no advance would have been achieved. On the other hand, the proposal to defer the matter for one year in order that the proposals of the Indian Government might be received would, at any rate, secure a further consideration of the matter, and the possibility—the probability, perhaps—that a supplemental convention could be secured. The commission would, I think, have preferred the former course, if they had felt that a definite result would have been obtained by it. But after hearing the representatives of India, the Government delegates, and the employers' delegates, they felt that the weight—the balance of advantage—lay with the second proposal, and it was finally carried by a considerable majority;

that is, the proposal which is embodied in the commission report. I regret that on these two points, the question of the period of transition and the question of the application of the convention to this group of tropical countries, the commission was not able to arrive at a unanimous decision, but we hope that it will not prevent the adoption of the general proposals which they have put forward.

It is not necessary, I think, to say much about the remaining provisions of the draft convention. A new text was adopted by the committee in place of article 2, with the consent of the representatives of the French Government, at whose instance the provision was originally inserted, and if the conference desire further explanation of the provision, no doubt the delegates from France will be happy to give it.

If these proposals which are submitted by the commission are adopted they will, under the terms of the standing orders, be referred to the drafting committee and will be brought up in the shape of a definite convention for decision by the conference at a later stage.

In moving that this course be adopted, that the proposals be approved and referred to the drafting committee, I desire again to emphasize the spirit of conciliation which animated the commission throughout its proceedings. I can testify that there was a single-minded desire to achieve definite results, and we venture to ask for the favorable consideration of the conference, and we shall be proud if the conference, by adopting our proposals, have allowed us to lay the first stone in the edifice of labor legislation which the international labor conferences are going to erect. [Applause.]

The PRESIDENT. Miss Margaret Bondfield, of the British delegation.

Miss MARGARET BONDFIELD (Great Britain). On behalf of the British workers' delegation, I beg to move the amendment printed on the order of the day circulated this morning, to add to the convention a new clause, No. 5:

In the application of the convention to India, the following modifications may take effect:

Children under 12 should not be employed: (a) In factories working with power, employing more than 10 persons; (b) in mines and quarries; (c) on railroads; (d) on docks.

The reason why we move this amendment is because we feel that there has not been presented to us any reasons which seem sufficient to omit India entirely from the provisions of this convention. We understand that the main argument which has been very forcibly and ably put by the Indian Government representatives is that the Indian Government had no time to consider this matter. That may be an explanation entirely justified by the delegates who are here, but personally I think it is no excuse for the Indian Government. This question of child labor has been discussed by the whole world, and we do not think the Indian Government should be so detached from world discussions as not to be prepared with recommendations on this subject in 1919.

With regard to one of the other main objections, namely, the nature of the Indian industries, we have carefully drafted this amendment to exclude all those industries that could be considered purely native industries or that are small industries. It is specially drafted to refer only to those industries which are being modeled on western ideas, which are to some extent under control of factory legislation, and which are—I think I probably will be right in saying—mainly supervised by western people, by Englishmen, by Scotchmen, by Irishmen, by Welshmen, and so on and so forth. Our main point is that in textiles, in engineering, in all those great industries where a factory act has already been applied, it should be quite possible to have the western safeguards; and it is that point that we particularly wish to impress upon the Indian Government.

I would repeat, that where western methods of industry are being introduced into an eastern country they should be simultaneously accompanied by western safeguards.

With regard to the question of mines, railways, and docks, the nature of the employment, it seems to us, will be a sufficient reason for safeguarding the employment of children on those properties.



Another strong reason used is that there would be so much objection on the part of Indian parents if anything is done to prevent the employment of children. We have all had to fight that in our respective countries. I remember perfectly well being mobbed in my own country when I advocated the abolition of half time in the textile mills. The parents, they said, would never consent to being deprived of the right to work their children whenever they chose. We don't think that is a purely eastern argument; we have met it in the West. We have conquered it in the West by educational methods and organization and we do not admit that as a sound and valid reason. I recognize there is a very serious objection, and that is the fact that in India the educational machinery is so entirely defective. That, of course, is another grave responsibility of the Indian Government, but I venture to suggest that one of the quickest ways of securing the speeding up of educational provision in India is by the prohibition of child labor. And it is not sufficient to let the children be taken underground, out of sight, or into the factories, out of sight, in order to dispose of that problem.

We want very earnestly to urge that one of the quickest ways of expediting the provision of educational facilities is by the prohibition of child labor below the age of 12. I don't want to lengthen out the argument. We submit this amendment in all seriousness. We recognize that, just as the main convention would have to be considered by the Indian Government and would probably be turned down, it is quite possible that the Indian Government will consider this if you embody it in the convention and will turn it down. There is nothing to prevent them from turning it down. There is nothing to prevent them, if this is carried to-day, from bringing forward their own proposals at the next convention alternative to this proposal. But what I feel might be accomplished by carrying this proposal in the open conference is that it might give the Indian Government some idea of the world opinion on this matter, which would help them to make up their minds to really do something in time for the next conference. I beg to move the amendment.

The PRESIDENT. The question is on the amendment to the draft proposed by the commission and moved by Miss Bondfield.

Is there further discussion?

Mr. Atul Chandra Chatterjee is recognized.

Mr. CHATTERJEE (India). Mr. President, I wish to assure the conference at the outset that it is a far from pleasant duty to oppose this amendment. I appreciate to the full the generous and the humanitarian sentiments that have prompted this amendment moved by Miss Bondfield. I can assure her, on behalf of myself as well as of my colleague, Mr. Kershaw, the other Government delegate from India, that we have both the same object at heart as Miss Bondfield has, only we differ about the method that should be adopted.

No one is more anxious than I am personally to see a steady betterment in industrial and social conditions among my countrymen, for I feel very deeply that on such gradual and progressive development the entire future of India depends. I hope fervently that the recommendation and deliberations of this conference will give a powerful impetus to social improvement in India, but because I feel that we should do something practical, and that the recommendation should lead to immediate practical effects in India, I feel compelled to oppose this amendment.

I shall not weary you with any discussion on the merits of the case. Miss Bondfield has urged that the usual argument that the people of India themselves do not want any improvement is no especially oriental argument; that she has met with the same conditions in Europe. But I do not know if Miss Bondfield realizes that in India even the parents have at present, in the vast majority of cases, no education at all; and it takes a much longer time to accomplish the same object of educating public opinion in India in these matters than it took even Miss Bondfield, with her zealous and numerous co-workers, in England. I can tell you as an Indian that amongst the educated classes in India there is an earnest desire for the intro-

duction of compulsory education in India. I have myself, as a private individual and as a Government officer, had much to do in establishing schools and persuading the people to send their children to school, and I can tell you that I have had the greatest difficulty in this respect amongst what are known as the lower castes in our country. We are all doing our best, but we can not accomplish wonders without some lapse of time, and we only ask for a little time.

It is not quite correct to say that we have stood absolutely still in the matter of introducing compulsory education in India. During the last year or two very definite progressive steps have been taken in the matter. The different provincial legislatures in India have passed measures enabling local authorities to adopt compulsory education in their areas. And to my knowledge various towns are now arranging for the introduction of schemes. But time is required by them, not only for making arrangements with regard to finances, but also in order to secure teachers, in order to secure buildings, and in order to get equipment. Until there are adequate educational facilities available for children in India, and until such children can be compelled to avail themselves of the facilities, the raising of the age of employment will only throw such children on the street. In a country where children develop much earlier than in the North or in the West, and where the customs of the country do not enable the mothers to look after their children with the same freedom and capacity as they could do in the West, the result would be more disastrous to the children than otherwise.

I wish again to refer to what Sir Malcolm Delevingne has mentioned with regard to the special disadvantages which the Government of India and the delegates from India have experienced during the present session of the conference. The questionnaire sent out by the organizing committee did not reach India until very late. The draft conventions and recommendations which have been put forward by the organizing committee had not reached India even when the delegation left the country.

The conference will realize how difficult it has been for the Government of India to give any consideration to such recommendations or reports or to give any instructions to the delegates; but, as I have already said, the question has received the earnest attention of both the Government and the public in India, and all that the Government of India want is that they should have time to gauge and to influence public opinion.

I must state that the number of children employed in factories in India is a very small fraction of the total industrial population of India, and these children are all employed on light and subsidiary occupations and are all half-timers. The Government of India is not, therefore, likely to be influenced in the discussion of the matter by any consideration that any raising of the age limit will seriously affect the economic conditions or the industrial development of the country.

Miss Bondfield has suggested that where western methods of industry are introduced in India, western factory legislation should also be adopted. I can assure Miss Bondfield and also the conference, that the whole history of factory legislation in India shows that that has been the sole object of the Government as well as of the legislators in India.

I wish the members of the conference to realize that in discussing this amendment they are not discussing what the exact age for employment in India should be, but rather what the procedure should be in getting a definite age fixed for India. The commission in their report have recommended that the Government of India should be asked to put forward their own proposals at the conference next year. I submit that this delay of only one year will not prejudice the settlement of the question. In fact, it will probably insure a speedier and more satisfactory settlement than if the amendment is accepted, and this conference should make cut-and-dried proposals to India without a full examination of all the special needs and circumstances of India. I wish to say that the Government of India is anxious to consider any proposal in the most sympathetic



spirit, and I venture to hope that this conference will deem it only fair that the Government of India should be given an opportunity to put forward their considered proposals.

The PRESIDENT. Mr. Warrington Smyth, of South Africa.

Mr. SMYTH (South Africa). Mr. President, I should like, on behalf of the members of the commission which studied this question, to explain in a few words why we adopted the course that we did in regard to our recommendations for India. Now, Mr. President, in discussing the question of India it is, I think, essential for us to remember the conditions which exist in that great country. You have there an enormous population of 300,000,000 of people. You must imagine to yourself an enormous country extending over tropical countries, arid deserts, mountains and mountain snows; and in all those climates and over all that country are the great population of India, varying as much in their characteristics, in their national development, in their civilization, and in their traditions as the climate of the countries in which they live. In fact, the astonishing thing to anybody traveling in India is the large number of languages, the large number of separate castes and traditions. Now, Mr. President, those very facts—that this enormous country is split up into so many languages, so many castes, and so many traditions and religions—those very facts make it impossible to adopt at short notice any system of compulsory education for children. You can see for yourselves that the problem is an immense one. Not only must you consider the different religions, but the caste question lies almost at the bottom of the whole of the Indian difficulties. That one caste will not mix with another; that one set of children is born into a certain caste, who can have nothing to do with, and can never rise into, another caste; those things in your educational system have got to be considered and thought out. Each child must be taught by a coreligionist of its own caste in the language which it knows. The problem, therefore, before the Indian Government as regards education, which is, as every speaker has admitted, closely mixed up with this question of employment—the problem before them is, I say, a very great one.

Now, sir, the very idea to-day of education in India is hardly understood. You may travel for days—nay, for weeks—in India and never see a white man, and may never see a railway. To those people modern ideas have not permeated at all, and those who to-day hold the advanced views of educated men like my friend the last speaker can be counted in thousands among the millions of that great country. Consequently, Mr. President, education, modern ideas, modern developments, are only surface deep in India, and the Indian Government, however advanced it may be, has the immense problem before it of trying to create public opinion among those masses before it can advance. If you were to go to them to-day with a scheme of education of the very best kind, you could not get them to accept it because their intellectual outlook is entirely incapable of understanding what you are aiming at, and it would only be thought that you were making some attack on their religion, their caste, or their tradition.

Take, for instance, this question of mines, Mr. President. The coal mines of Bengal are, a large number of them, shallow. They are worked by families of workers who come from the country around—fathers, mothers, and children. They all come in a family party. You would think they would work underground by day. Not a bit of it. They all go down at night, because then it is cooler to carry on their work; and they go down—mother and father, women and children, daughters and babies in arms. Now, you can not apply regulations about underground work offhand to a condition of mining such as that.

Under those circumstances, Mr. President, the majority of the commission came to the conclusion that the best thing to do was to give the Indian Government an opportunity of putting forward their own ideas and their own scheme with regard to this question of lowering the age at which children may be employed. To lay down offhand a rule about 12 years of age would not be worth the paper it was written on.

I suggest that the practical, the sensible, way to deal with the matter is to ask the Indian Government to let a future conference of

this body have its views and have its plans and ideas. Therefore, sir, we appended our names to the report which has been made to you, and, therefore, I suggest to this conference that we can not unravel this great problem. We can not even indicate to the Indian Government how to do it, but they, of their own accord, are engaged in investigation with regard to these questions. They know themselves how far they can go in the matter of obtaining, for instance, even fairly accurate statistics with regard to their own factories, the extent of which are still unknown to-day.

In all those things the Indian Government is far better able to tell what they can do and what they can not do, what they can try to do immediately and what they can try to do by degrees.

Under those circumstances, Mr. President, I suggest to this conference that the recommendation of the commission might be accepted in regard to India, believing as I do, in their desire to see that the children are not worked in factories and that the age is raised gradually in all countries, believing that that will be the best course to obtain the cooperation of the Indian Government and to obtain some real degree of advance and success.

The PRESIDENT. Mr. Joshi, of the Indian delegation.

Mr. JOSHI (India). On behalf of the workers in India I rise to support the amendment put before this conference by Miss Bondfield. I can assure this conference that it is not a very pleasant task that I have undertaken, namely, that of criticizing the attitude of the Government delegates in a conference of such an international character like this. But I have to do my duty toward those people for whom I stand in this conference. Sir, Mr. Warrington Smyth, from Africa, has placed before you a picture of India from which you are likely to imagine that India is an uncivilized or, at the most, a half-civilized country. But let me request this conference to remember that India has been governed by the British Parliament for over 100 years, and in some Provinces for over 150 years. The British Parliament, than which there is no more democratic governing institution in the world, is responsible for the government of India. And can you believe, if you are told that under that Government for over 100 years India could not have made any greater progress than that which has been pictured to you by Mr. Warrington Smyth?

I am quite sure the representatives of my Government, as well as the representatives of the British Government here, will not accept the statement made by Mr. Warrington Smyth in defense of the Government of India. Then, I wish also to bring to your notice another fact, namely, that factory legislation is not quite unknown in India. She does not stand on the same footing as China, Siam, or Persia in that respect. We have had for many years some factory legislation which is being improved from time to time. Therefore, when you consider the case of India, lay aside from your mind the impression that India is the country depicted to you by Mr. Warrington Smyth and also remember that factory legislation is not new to that country.

At the outset I wish to describe to you what protection is afforded to children by that factory legislation. According to our factory act, children under 9 are not allowed to be employed, but children between 9 and 14 can be employed for six hours and, in some cases, for seven. My friend, Mr. Chatterjee, calls it light work. Let me remind this conference that it is going to pass a convention of eight hours a day for adults, and that you are asked to accept the statement that in India climatic conditions are so different that children of 9 can work for six hours, and even seven hours, and that should be considered light work.

Now, I beg of you to consider what the amendment is. The amendment is that the age should be raised from 9 to 12. We do not ask, for the present, to apply to India the general convention prohibiting employment of children under 14. We suggest a very moderate application of it. We ask you to allow the workers of India to reach the final goal stage by stage, and we propose to you the first stage as proposed in the amendment.

Further, we do not ask you, as you ask in the general convention, to apply this age limit to almost all industries. We ask you to fix



this age limit only for those industries which are operated with some mechanical power and in which not less than 10 persons are employed. We also ask you to apply this age limit to certain well-organized occupations, such as railways, mines, and docks, where supervision by Government inspectors is very easy.

Now let us see what are the arguments offered before this conference in opposition to the amendment of Miss Bondfield.

The first and perhaps the most important argument is that in India there is no system of compulsory education and the children will go on the streets if you do not allow them to be employed. I admit there is great force to this argument, but let me tell you again that the picture drawn for you by Mr. Warrington Smyth concerning the matter is not true, in the least. Let me ask you if there was education anywhere in the world before it was in India? The idea of education is not new to India. Indians were educated, Indians wrote books on most difficult subjects some thousand years, at least two or three thousand years, before perhaps any other people began to write books and think on these subjects.

Therefore, the idea of education is not certainly so new to Indians as is depicted to you by my friend, Mr. Warrington Smyth. He said it will take time to educate public opinion in India; without doing that the Government can not introduce a general system of education. Let me again tell you that the Government of India is not very much influenced by public opinion in the country. It is to this present day an autocratic or a bureaucratic government. If the Government means to-morrow to introduce certain legislation in the country, they can do it even if the whole public opinion of the country is opposed to it. Therefore the argument that the Government waits to educate public opinion holds no water at all. But Indian public opinion as expressed by the educated Indians is certainly not against education. A bill for compulsory education in India was introduced in the legislative council of the country some 10 years ago by Mr. Gokhale, and the opposition to it did not come from the educated people of the country, but the opposition came from the Government itself. I therefore think that the argument that public opinion must be educated before education is made compulsory need not carry any weight with you at all.

Mr. Chatterjee also said that it is difficult to persuade people to accept education. Let me tell this conference that in the same India of which this conference has spoken there are some parts like Baroda where compulsory education has been in force for several years, and people in those Provinces have not rebelled against their Government. Therefore, we need not consider very seriously the objection that people in India will object to the introduction of compulsory education.

Sir, there is no doubt that you can not educate a vast country like India within one year. I admit that. And therefore I ask you, What is the use of waiting for one year when we know full well that you can not introduce a general system of compulsory education in a vast country like India in such a short time? It will be of no use. If the Government of India could not educate the people during the past century or more, I am quite sure they will not be able to introduce a general system of education within one year. Therefore, I think we shall not gain anything by giving them one year's time. If we think that children of 9 and 10 and 11 should not go to factories and work there for seven hours and six hours, let us raise the age limit and leave it to the Government to find educational facilities for them.

I can give you an additional reason. If we are anxious that Indian children should be educated, then I may tell you that if you once raise the age limit for employment in factories the opposition from at least one section of the opponents of education, namely, the capitalists, will melt away at once.

I now leave the argument about education. The second argument against the amendment is that India has different climatic conditions. I admit we have more of the sun than western countries. But are you going to believe that in India children of 9 years of age are as well developed as children of 14 years of age

in western countries? Do you think that climate can make that great difference, that children of 9 can be as well developed as children of 14 in Europe? I need not say anything about this argument. Only I put it to you whether that is possible.

The Government's other argument is that they had no notice. All of you must have received a copy of the supplementary report in which the views of the Government of India are given. That one fact will prove to you that the question was before the Government of India. They considered the question. They sent their views to this conference, but when the question of raising the age is to be discussed in the conference we are expected to forget that fact. We must close our eyes to that report. I admit there was not a very long notice, but there was notice to the Government that the question of the employment of children was to be discussed by this conference. It was known to the Government long ago, and if they were really serious about this question I am quite sure they would have come to certain conclusions. Decisions, even in India, even in a vast country like India, are taken by the Government on very vital matters at shorter notice than was given by this conference.

Then there is the argument that the draft convention was not before them, but let this conference remember that we are not considering the general draft convention. The Indian Government knew that the draft convention which was to be sent to them, or which was sent afterwards, was not to be applied to India. The Government of India knew perfectly well that India's case would be considered specially.

Perhaps some of you may know that the clause for the special countries was put in the treaty at the suggestion of the Indian representatives at the Peace Conference, and therefore the Government of India knew that the general convention will not be applied to India. They certainly need not have waited for the general convention at all. Their duty was to consider what was best for India and to place those proposals before this conference. I therefore hope that all of you will agree with me when I say that the argument that there was no notice really carries no weight at all. There was notice to the Government of India. They had considered the question. They had sent their views to you. They clearly said that they were not prepared to do anything in the matter, and then you are asked again to wait. I do not know for what reason. My only guess, if you will allow me to say so, is that they wanted to get a postponement for one year, and, if possible, to get further postponements. Moreover, the Government delegates are likely to accept certain definite proposals as regards the hours of work. The Government had time to consider such an intricate question as the hours of work, but they had no notice to consider the simple question of raising the age of children's employment.

We are assured—and I must accept the assurance—that no economic considerations weigh with the Government, and perhaps even with the employers, in considering the age limit of children in India. Their motive in opposing the raising of the age limit is to safeguard the interests of children. If that is so, may I ask them why they object to the employment of children between 6 and 9? Do they not go in the streets for want of education?

I therefore request this conference not to wait for one year more. We shall not gain anything by waiting, because the education question will not be solved in one year. If you can save the children of 9, 10, and 11 in India from work for one year, it would be a great benefit to them; and I therefore firmly believe that you will give your serious consideration to this question and will not postpone it for a year, because there will be no advantage in postponing it.

I shall only say one word more. We are told that if this conference makes a definite suggestion for raising the age limit for children to a definite period, the Government of India may not accept the proposal; but I submit to this conference that Great Britain has played a very important part in bringing this International Labor Organization into existence, and I am quite sure the Government of India,



which is responsible to Great Britain, will not treat a convention passed by this conference very lightly. As our proposal is very reasonable and modest, we can also be sure that the Government of India will be inclined to accept it.

The PRESIDENT. Mr. Baldesi, of the Italian delegation.

Mr. BALDESI (Italy—remarks in Italian): I second the motion of Mr. Stuart-Bunning, seconded also by the Indian workmen's representative, for the reasons stated in that motion, which reasons have not been contradicted by the opponents of the motion.

As regards the age of admission of children into industrial pursuits, I am obliged to propose to change the age of admission from 14 to 15, as was adopted by the Bern convention at the last international workmen's convention. I refrain from explaining my reasons, for the very fact that these reasons were given in the deliberations of the said convention, and also that they were touched upon in the majority report of the report of the commission on employment of children, which reads:

That they regarded it as a transitional measure toward the adoption of a higher limit later on.

The PRESIDENT. Mr. Sofianopoulos, of the Greek delegation.

Mr. SOFIANOPOULOS (Greece). Mr. President and gentlemen, permit me to present the view of the Greek Government with regard to the age of admission of children to work in the various industries.

The work of children has been regulated in Greece by the law of January 24, 1912 (No. 4029), on the work of women and minors. Greece undertook the enactment of this law in view of the following elementary considerations: First, because irregular and excessive physical work during childhood prevents the normal development of the body and contributes to the creation of weak and sickly generations by exhausting prematurely the working capacity before its full development. Secondly, because the employment of children who have not reached a certain age does not allow for elementary instruction and creates ignorant generations at a time when all over Greece the primary education is not only the right and duty of every citizen, but also an obligation on the part of the State, it being required by a constitutional provision to afford free elementary education to all citizens. Thirdly, because an excessive supply of child labor would not only lower the wages of adult skilled workers, but would also injure national industry, which, by employing weak and ignorant labor, would not be in a position to attain the same degree of quality and efficiency in production necessary to the country as would be attained in other countries.

Briefly, the laws enacted and the royal decrees issued in pursuance thereof have the following three aims in view:

- (a) To prohibit the employment of minors under the age of 12 and gradually to limit the hours of the work between the ages of 12 and 18.
- (b) To afford a complete rest on Sundays and certain other holidays and also to allow definite rest periods during the working day.
- (c) To protect the health and bodily welfare of minors to the point of prohibiting not only night work as well as day work in certain industries where work is arduous and injurious to health, but also day work in certain branches of industries below a stated age.

Now as regards the first aim, the law (art. 1) prohibits the employment of minors under the age of 12 as workers or apprentices in the following industries:

- (a) Factories and workshops of large as well as small scale industries.
- (b) Mines and quarries of all kinds.
- (c) Construction work and all similar work.
- (d) Transportation of persons and merchandise by land or sea.
- (e) Stores and department stores of all kinds.
- (f) Restaurants, cafés, wine shops, confectioneries, and other similar establishments.
- (g) Hotels.

The law, however, takes into consideration the fact that in those enterprises where the father is at the head, or where only near relatives are employed, family sentiment will prevent the illegal exploitation of the child worker. It is for this reason that the second paragraph of this article as well as article 4 of the royal decree of the 14th of August, 1913, specified that the restriction contained in the first paragraph is no longer enforced in the case of employment of children by their own parents or guardians, in places where only the members of the family are employed, when the children have attained the tenth year, and when such employment is under the direction of the father, mother, or guardian, except in those cases where the work is included among those considered as unhealthy and dangerous by the law or those which are performed by means of mechanical power.

As regards the second aim, article 5 of the law stipulates that minors who have not completed their sixteenth year, as well as women without distinction as to age, may not be employed in establishments and industries mentioned in article 1.

As regards the third aim, article 10 stipulates that no minor, without distinction as to age, not having completed his fourteenth year may sell any article in the streets or any other public place.

From this brief statement it is clearly seen that not only is the employment of minors who have not completed their twelfth year prohibited in Greece, but also that the employment of those who have completed their eighteenth year is subject to restrictions which sufficiently assure their physical development. Moreover, the law prohibits the employment of children under 14 years of age who have not received an elementary school certificate. But if you take into consideration the fact that elementary instruction is completed at the age of 12, and that vocational training which comes in between the ages of 12 and 14 is not yet introduced into Greece, you see that the adoption of the fourteenth year as the age of admission of children to industry will be harmful rather than beneficial to them, for during the period which they are not undergoing instruction and are without occupation, they are exposed to all the dangers of idleness, and that, too, at a very immature age. That, then, is the reason why Greece is compelled to ask a slight extension of time in order to permit her to organize in the meantime her system of vocational training.

The PRESIDENT. The Chair's attention has been called to the fact that the representative is simply reading to the conference a document that has already been printed and distributed to the representatives several days ago, and, if that is true, the chair would like to call the gentleman's attention to the fact that it is simply consuming the time of the conference without adding anything to the knowledge it already has.

Mr. SOFIANOPOULOS (Greece). I shall finish in a few minutes.

The PRESIDENT. Proceed.

Mr. SOFIANOPOULOS (Greece). In closing, may I be permitted, gentlemen, to remind you that the purpose of the International Labor Conference is to make provisions which may be more or less uniform, but which shall always take into account the differences and the special conditions which exist in the various countries. The reason for this is very simple. If the legislators of any country are at times compelled to make gradual application of their enactments so that they may be adapted to different sections of the country, the International Labor Conference, which is practically an international labor parliament, has still greater reason than have ordinary legislators for following that path. If the conference does not follow that line of procedure at the beginning of its labors, its work runs risks of being ignored, so to speak, by the various parliaments which, on account of the peculiar conditions existing in their countries, can not pronounce themselves in favor of this work.

If on the contrary the conference gives more elasticity to its resolutions, the work will be crowned with success in a very short



time, and the regulations of the conference will be uniformly put into effect throughout the civilized world. For the reasons which I have just given, permit me, Mr. President, on behalf of my Government, to present the following amendment to article 1 of the draft convention:

Countries which have not yet systematically introduced vocational training shall benefit by an extension of three years from the time when the convention shall go into effect for the various countries.

During this period these countries shall be authorized to permit the employment in the above-mentioned industries of children who have not yet fully completed 14 years of age but have passed the age of 12, on condition that these children shall have received an elementary school certificate and on condition that they shall produce a medical certificate of physical ability, as may be required by the legislation of each country.

The PRESIDENT. The Chair desires again to call the attention of representatives to article 13 of the standing orders, as follows:

All amendments or motions must be handed in to the secretary of the conference. They will be printed for the sitting on the day following that on which they have been handed in. As a general rule, no amendment or motion shall be discussed or made the subject of a vote in the course of a sitting unless it has been circulated not later than the beginning of that sitting to all the members of the conference, as provided in article 11 of the standing orders. The president may, however, permit the discussion of amendments dealing with minor modifications of text under discussion or of motions as to procedure.

The amendment proposed by the representative from Greece is not simply a minor amendment, but is a major amendment and would, therefore, not be in order at this time.

Mr. SOFIANOPOULOS (Greece). Well, let copies of the amendment which I have brought before the conference be distributed in order that it may be discussed to-morrow in the regular order of business.

The PRESIDENT. The amendment will be received, will be put into the record, and will be available for discussion to-morrow, if this question has not been disposed of prior to that time. If the question is disposed of to-day, the amendment as it has been presented by the representative from Greece would, of course, not be taken up for consideration to-morrow, because the question would not then be before the house.

Mr. DRAPER (Canada). Mr. President, I rise to move a closure of the debate upon the pending motion, if I have seconder. I think we have heard all the pros and cons on that particular question, and I move that the debate be now closed.

The PRESIDENT. It has been moved that debate be closed on the pending motion. You have heard the motion.

As many as favor the motion will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

The motion to close debate is agreed to.

The question recurs on the amendment proposed by Mr. Stuart-Buning and moved by Miss Bondfield. As many as favor the amendment will raise their right hands and keep them raised until counted.

[Votes counted.]

Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

The vote for the amendment is 39 against 21. The amendment is therefore agreed to. [Applause.] The question now recurs on the motion of Sir Malcolm Delevingne, that the report of the commission be adopted as amended and referred to the draft committee.

May the chair take this opportunity of expressing his view with regard to the parliamentary status, that in adopting and referring this report to a draft committee it is not the final vote upon the draft and that it will not require the two-thirds vote to adopt and refer; that when the final draft is presented for consideration of the conference then it will require the two-thirds vote. That is the chair's understanding of the parliamentary status.

Mr. CRAWFORD (South Africa). Mr. Chairman, I beg to move the closure.

The PRESIDENT. It has been moved that debate on the main question be closed.

As many as favor the motion to close debate on the main question will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands.

[Votes counted.]

The motion is agreed to.

As many as favor the adoption of the report of the commission as amended and its reference to the draft committee will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

It is agreed to.

The next order of business is the report of the committee on unhealthy processes. The chairman of the committee, Dr. Legge, is recognized.

Dr. LEGGE (Great Britain). Mr. President, I preface my remarks by saying that the committee is responsible for only what appears in small type in the report and that I am responsible for what appears in larger type in the printed report. In presenting this report and asking for its adoption, the conference may desire me to state what the committee thought may be the line determined on should the proposals commend themselves to the members. This is easy enough to do in regard to the resolutions on the use of mercury in hatters' furriers' processes and carbonic oxide gas, and on the question of the prohibition of the use of white lead in house painting, which, remember, is not a resolution, but a suggestion in that report, as it was ruled not to come within the terms of the agenda. All we suggest in regard to those three points is that they should be referred to the International Labor Office with the object of having them placed on the agenda at the next international conference. The resolution, however, on the guiding principle leading to limitation or otherwise of women's employment in unhealthy processes and the specific recommendations made in regard to lead industries, is on a different footing. This principle—and by it is meant a test to apply thus: Does the work in question tend to affect deleteriously the offspring of the mother by inducing premature or still births—the committee feels needs no further elaboration.

It is, they consider, self-evident and, similarly, the committee feel that recommendations made in regard to the employment of women in lead processes carry out this principle in detail, at any rate in the present state of knowledge, and with reference to them no further inquiry is needed. Consequently, no useful purpose would be served by further referring them to the International Labor Office. They are ripe for consideration under the terms of article 405 of the peace treaty, with a view to effect being given to that guiding principle and to the recommendation on women's employment in lead, by communicating them to the different Governments united in the League of Nations, for action to be taken by national legislation, or otherwise.

The time at our disposal did not allow us to apply the principle to other unhealthy processes, but the committee, though of opinion that it is probably of universal application, have so far only considered it in relation to lead poisoning and does not, therefore, feel justified in proceeding further than they have done.

The committee trusts that the conference will communicate in the same way the general considerations embodied in the report as to the advantage of a medical department attached to Government offices charged with the administration of factory laws for safeguarding the health of workers.

The committee recommend procedure in regard to disinfection of wool against anthrax by means of a draft international convention, but it does not say when or how the convention should be framed. Women and children are attacked by anthrax, though not to the same extent as men are, just as women and children suffer from lead poison-



ing in a less degree than men do, and the committee are of opinion that the subject comes within the limits of the agenda of the conference. The question for decision now is what steps should be taken by the conference to give effect to the proposals of the committee if approved by the conference.

I venture to propose first that the proposals should be embodied in a recommendation under the terms of article 405 of the treaty, and secondly that the subject should be placed on the agenda for the conference of 1920, with a view to the adoption of a definite convention. The effect of such a procedure would be this: The conference would send to the various Governments a recommendation embodying the general principle of disinfection of certain kinds of wool in the country of export or, if that is not possible or practicable, at the port of entry. The Government, in accordance with the provision of the treaty, would consider the proposal in the interval before the next conference and, we may hope, will adopt it. Then at the next conference the actual terms of a convention would be brought up for consideration.

I beg, therefore, to move that the report be adopted, and that the proposals of the committee in regard to lead and anthrax be referred to the drafting committee in the form of a recommendation.

The PRESIDENT. The question is on the motion of Dr. Legge that the report of the commission be agreed to and referred to the drafting committee for the preparation of recommendations.

Mr. KERSHAW (India). I am not clear, from Dr. Legge's explanation, what procedure exactly is proposed. As you, as president, have put it now, the conference would remit this report to the drafting committee for the preparation of a draft convention. I understood Dr. Legge's proposal to be something entirely different. His proposal, in reality, amounted to this, that the conference should decide to place this question on next year's agenda. I think there is some doubt whether the whole question, as affecting not only women and children, but also men, comes within this year's agenda. If there is any doubt about that, it seems to me that the most suitable course to follow would be that this conference should decide, in the manner provided in the treaty, that the question should be included in next year's agenda. I rise to speak merely for the purpose of obtaining information, Mr. President, because I am not quite clear how we stand.

The PRESIDENT. The Chair's understanding of the motion of Dr. Legge was that this matter should be submitted to the draft committee, not for the purpose of preparing a draft convention but for the purpose of preparing a recommendation to the respective Governments that they might act upon during the current year, and that the question might then again come up for consideration on the agenda of the next conference, when, at that time it might, in the judgment of the conference, be formed into a draft convention. That is my understanding of the purpose and intent of Dr. Legge's motion.

Mr. KERSHAW (India). I submit, Mr. President, that that is a procedure which is not contemplated in the peace treaty. A recommendation is only slightly different from a draft convention, and a recommendation is arrived at after a long process and the matter has been brought into the conference for discussion.

I think, perhaps, it would be well to obtain from Dr. Legge an explanation of whether your interpretation of his resolution accurately represents his intention.

I may say that my only excuse for intervening is that in this particular matter of anthrax India is the country mainly concerned. That is my only excuse for intervening.

Dr. LEGGE (Great Britain). Mr. President, the view that you have expressed is substantially what I said. The only slight point of difference is that you said that after the recommendation had been sent to the various Governments they would consider action. Well, they would consider that recommendation. Whether they would take action on it is a matter of opinion, but that is the intention. It would go as a recommendation, in the hope that they would

consider action, and then at the next conference it would appear on the agenda with a draft convention attached.

The PRESIDENT. Dr. Boulin.

Dr. BOULIN (France). As a member of the commission, I desire to say a few words in order to show the sense in which we took the words "recommendation" and "convention."

Three points were examined. The first point was lead industries. The commission was sufficiently informed upon the dangers from lead and upon the means of preventing these dangers to be able to make immediate recommendations regarding all these lead industries. As regards other industries, mercury and white lead, the commission requested that studies be made by the International Labor Office.

As regards anthrax, it seems to be evident from the very clear and succinct explanation given by Dr. Legge that the question can not be settled otherwise than internationally. In fact, in the 22 years that it has been tried in England, national regulation has not yet succeeded in eliminating cases of infection from anthrax; but on the contrary, these cases are increasing instead of diminishing. Therefore, international measures must be taken to obviate these dangers.

The PRESIDENT. Dr. Miall, of Great Britain.

Dr. MIALL (Great Britain). Mr. President, this question of anthrax is a very good example to us for the future, when we consider how important questions may be dealt with by a committee appointed at such a conference. The disinfection of wool in connection with anthrax, I believe, affects a very large number of workpeople engaged both in India and Great Britain; and a regulation which could be somewhat hastily thrust upon a great industry like the woollen industry might have very serious consequences which were not anticipated by those who framed the particular regulation. I am given to understand that hasty legislation on this matter might have the effect of diverting a considerable volume of trade which now goes from India to Great Britain, and that the matter is one, really, of considerable national importance.

Now, the question of anthrax, which was barely indicated in the agenda which was put before us, comes, I think, as a matter of some surprise to those who are interested in the question and who did not realize until they came to this conference that a matter of very great national importance could be brought forward with comparatively little notice to them, and I venture to suggest that similar experiences may obtain in the future. We are proposing to throw on the International Labor Office, and in particular the health section which is to be created—we intend to throw on that health section a great mass of work. So far as injurious processes are concerned, it is not primarily a case of investigating main principles. As a rule it is the detailed examination of how to apply particular precautions to varied and different industries, and that means the examination of a great mass of statistics, and going into chemical and medical data, which requires a good deal of time, and can not accurately be done in a hurried manner.

Now, I think it is most important that a good deal of that sort of work shall be gotten ready and prepared in advance of the future conferences, and that both employers and workers shall have the opportunity of keeping in touch with this preparation of detailed statistics and detailed recommendations, so that the employers and the workers shall know beforehand all the proposals affecting their own industries that are likely to come up for consideration and that they may instruct their delegates accordingly. It is also of considerable importance that the members of the health section shall have the advantage of the knowledge and experience of the employers and workers who have had to face these problems, and I think that close cooperation between the employers and the workers with the health section, which is about to be created, is a matter of the utmost importance.

And if, sir, I am in order, I would like to make a motion, a copy of which I have handed to the secretary. I do not know whether you consider I am entitled to move that or not, sir.



The PRESIDENT. The Chair has not seen the motion which Dr. Miall refers to.

Dr. MIALL (Great Britain). It was handed up, I believe, to Mr. Butler, sir, but I have another copy, as follows:

That an advisory committee on which the Governments, the employers, and the workers should all be represented be appointed to act in an auxiliary capacity and to keep in touch with the activities of the health section of the International Labor Office.

The PRESIDENT. The Chair would scarcely look upon this motion as being germane to the subject before the house. It is general in its character and will be printed and go over for consideration later.

Mr. REES (Canada). Mr. President, in view of the unanimity of opinion of this committee, I move the question.

The PRESIDENT. It has been moved to close the debate on this question.

As many as favor closing debate will raise their right hands.

[Votes counted.]

Down. Those opposed raise their right hands.

[Votes counted.]

The motion to close debate is agreed to.

Mr. ROBERTSON (Canada). Mr. President, I move that we do now adjourn. There are a large number of delegates absent from the meeting at the present time who no doubt would like to vote one way or the other on some of these very important questions.

The PRESIDENT. The closure is announced. The hour of adjournment having arrived, the conference will adjourn until 2.30 to-morrow afternoon.

[Whereupon, at 6.05 o'clock p. m., an adjournment was taken to Thursday, November 20, 1919, at 2.30 o'clock p. m.]

The following delegates were present:

|  |                                   |
|--|-----------------------------------|
| Argentina:   | China:                            |
| Dr. Leonidas Anastasi.   | Mr. Yung Kwai.                    |
| Dr. Felipe Espil.  | Mr. Lingoh Wang.                  |
| Mr. Hermenegildo Pini.   |                                   |
| Mr. Americo Balino   | Colombia:                         |
|  | Dr. Carlos Adolfo Urueta.         |
| Belgium:   | Cuba:                             |
| Mr. Armand Julin (substitute for Mr. Michel Lévie)             | Mr. Carlos Armenteros y Cardenas. |
| Mr. Alexandre Delmer (substitute for Mr. Ernest Mahaim).       | Mr. Francisco Carrera Justiz.     |
| Mr. M. Fraipont (substitute for Mr. Jules Carlier).            | Mr. Luis Rosainz y de Los Reyes.  |
| Mr. Corneille Mertens.   | Czecho-Slovakia:                  |
|  | Mr. J. Sousek.                    |
| Canada:  | Mr. Charles Spinka.               |
| Mr. Gerald H. Brown (substitute for Hon. Gideon D. Robertson). | Mr. F. Hodacz.                    |
| Mr. Loring C. Christie (substitute for Hon. Newton W. Rowell). | Mr. R. Taycrlc.                   |
| Mr. E. Blake Robertson (substitute for Mr. S. R. Parsons).     | Denmark:                          |
| Mr. P. M. Draper.  | Mr. S. Neumann.                   |
|  | Mr. C. V. Bramsnaes.              |
|  | Mr. C. F. Madsen.                 |
|  | Mr. H. Vestesen                   |
| Chile:   | Ecuador:                          |
| Mr. Gustavo Munizaga Varela.                                   | Dr. Don Rafael H. Elizalde.       |
| Mr. Felix Nieto del Rio  | Dr. Don Juan Cueva Garcia.        |

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| Finland:   | Panama:   |
| Mr. A. H. Saastamoinen.  | Mr. Andres Mojica.  |
| Judge Niilo A. Mannio.   | Mr. Jorge Paredes.  |
| Mr. Robert Lavonius.   | Mr. Federico Calvo.   |
| Mr. Matti Paasivuori.  | Mr. Jose A. Zuliéta.  |
| France:  | Paraguay:   |
| Mr. P. Boulín (substitute for Mr. Arthur Fontaine).                | Mr. Arturo Campos.  |
| Mr. Max Lazard.  | Dr. Manuel Gondra.  |
| Mr. P. Collinet (substitute for Mr. Louis Guérin).                 | Persia:   |
| Mr. Dumoulin (substitute for Mr. Léon Jouhaux).                    | Mirza Abdul Ali Khan.   |
|  | Mirza Ali Asghar Khan.  |
| Great Britain:   | Peru:   |
| Dr. Legge (substitute for Right Hon. G. N. Barnes.)                | Mr. Carlos Prevost.   |
| Sir Malcolm Delevingne.  | Mr. Eduardo Higginson.  |
| Dr. S. Miall (substitute for Mr. D. S. Marjoribanks).              | Mr. Vicente Gonzalez.   |
| Miss Margaret Bondfield (substitute for Mr. G. H. Stuart-Bunning). | Mr. Victor A. Pujazon.  |
| Greece:  | Poland:   |
| Mr. John Sofianopoulos.  | Mr. Franciszek Sokal.   |
| Mr. Angelus Skinzopoulos.  | Mr. Jozef Rymer.  |
| Mr. Eugene Cantacuzène.  | Mr. M. Jastrzebowski (substitute for Mr. Jan Zagleniczny).        |
| Mr. Timoleon Lamprinopoulos  | Mr. Edmund Bernatowicz.   |
| Guatemala:   | Portugal:   |
| Mr. Francisco Sanchez Latour.                                      | Mr. Alfredo Franco.   |
| Dr. Ramon Bengoechea.  | Mr. José Barbosa.   |
| Mr. Alfredo Palomo Rodriguez.                                      | Mr. Alvaro de Lacerda   |
| Mr. Manuel Moreno.   | Roumania:   |
| India:   | Mr. C. Orghidan.  |
| Mr. Louis James Kershaw.   | Mr. Gregoire Michaelesco.   |
| Mr. Atul Chandra Chatterjee.                                       | Salvador:   |
| Mr. Alexander Robertson Murray.                                    | Mr. Salvador Sol.   |
| Mr. Narayan Malhar Joshi.  | Serbs, Croats, and Slovenes:                                      |
|  | Dr. Velimir Stoykovitch (substitutet for Dr. Slavko Y. Grouitch). |
| Italy:   | Dr. Ludevit Peritch.  |
| Baron Mayor des Planches.  | Mr. Marko Bauer.  |
| Dr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).       | Siam:   |
| Comm. E. Baroni.   | Phya Chanindr Bhakdi.   |
| Mr. Gino Baldesi.  | South Africa:   |
| Japan:   | Mr. H. Warrington Smyth.  |
| Mr. Eikichi Kamada.  | Mr. William Gemmill.  |
| Dr. Minoru Oka.  | Mr. Archibald Crawford.   |
| Mr. Sanji Muto.  | Spain:  |
| Mr. Shichiro Muto (substitute for Mr. Uhei Mazumoto).              | Viscount de Eza.  |
| Netherlands:   | Mr. Adolfo Gonzalez Posada.                                       |
| Mrs. S. Groeneweg (substitute for Mgr. W. H. Nolens).              | Mr. Alfonso Sala.   |
| Miss H. Kuyper (substitute for Mr. G. J. Van Thienen).             | Mr. Francisco Largo Caballero.                                    |
| Mr. J. A. E. Verkade.  | Sweden:   |
| Mr. P. Serrarens (substitute for Mr. J. Oudegeest).                | Dr. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg).        |
| Nicaragua:   | Senator R. G. Halfred von Koch.                                   |
| Señor Don Ramon Enriquez.  | Senator Hjalmar von Sydow   |
| Norway:  | Mr. A. Herman Lindqvist.  |
| Judge Johan Castberg.  | Switzerland:  |
| Judge I. M. Lund.  | Dr. Hans Sulzer.  |
| Mr. G. Paus.   | Dr. Hermann Rufenacht.  |
| Mr. J. Teigen (substitute for Mr. Ole Lian).                       | Mr. Conrad Ilg.   |
|  | Uruguay:  |
|  | Dr. Jacobo Varela.  |
|  | Venezuela:  |
|  | Dr. Don Santos A. Dominiçi  |

## FIFTEENTH SESSION—THURSDAY, NOVEMBER 20, 1919.

The conference convened at 2.45 o'clock p. m., Baron Mayor des Planches (Italy) presiding.

The PRESIDENT. The conference is called to order. The secretary general will make an announcement to the assembly.

The SECRETARY GENERAL. The drafting committee expressed a wish that a Spanish-speaking member should be added to their number. The commission of selection accordingly propose that M. Espil should be a member of the drafting committee.

The PRESIDENT. Are there any objections to the appointment of Mr. Espil?

If there are no objections the appointment will stand.

We must resume work at the point where it was interrupted yesterday by the vote of closure, i. e., at that point in Dr. Legge's speech where he said: "Consequently I ask that the report be adopted."

We are now concerned with the question of referring the report to the committee on drafting. I shall put the matter to a vote.

Dr. MIALL (Great Britain). May I beg a point of order, sir?

The PRESIDENT. Dr. Miall is requested to state whether he wishes his motion to be voted on before the motion referring the report to the committee on drafting.

Dr. MIALL (Great Britain). I moved a resolution yesterday, which is standing in my name, and the president ruled that it was not germane to the present discussion; but, as the report of the commission on unhealthy processes recommends that a health section of the International Labor Office be set up, and as the motion which I have put forward recommends that that health section should, by means of a committee, be kept in touch also with the employers and the workers, I think that the subject of my motion is distinctly



germane to the present report, and I have written a letter to the secretary general asking that this motion may be taken in conjunction with the report; and I should be glad to know whether the motion standing in my name can be taken before this discussion is closed.

The PRESIDENT. If I understand rightly, we are first to vote on referring the report to the committee, and then we are to discuss Dr. Miall's proposal. Does Dr. Miall agree?

Dr. MIALL (Great Britain). Mr. President, the discussion of the report, I understand, is closed. All that I am anxious about is that a motion standing in my name should be discussed either immediately after the report is adopted, or the standing orders should be varied so as to allow it to be discussed now.

The PRESIDENT. That being understood, the motion on referring the report to the committee on drafting will be put to a vote. All those in favor hold up their hands.

[The votes are counted.]

Those opposed hold up their hands.

[The votes are counted.]

The motion is carried, 32 votes to 2.

Mr. KERSHAW (India). A point of order, Mr. Chairman. I ask your ruling whether that vote is a valid one?

The PRESIDENT. If a mere majority is required, then we have that majority. In this particular instance a majority does not seem to be called for.

Mr. KERSHAW (India). Mr. President, I ask your ruling whether under our standing orders the votes cast for or against a proposal must, in the aggregate, amount to half the number of the members present at the conference, not present at the meeting?

The PRESIDENT. The vote would not be valid, as less than half of the members of the conference are present. The vote is postponed.

It has been suggested to me that, although there are not enough members now present, we would have the proper number if all the people in the corridors would come into the conference room. Therefore let us wait for a moment.

As we are going to vote upon another matter immediately afterwards, which would also be affected by the lack of a majority, I propose that the conference take a recess for a few minutes until we have the necessary number, and I beg everyone to keep his seat. Many of our colleagues are now at committee meetings in other parts of the building. They have been notified that there is a vote to be taken, and they will be here shortly, so that we may have the proper number.

Mr. ILG (Switzerland). If there are not enough members present to take a vote, it seems to me that the conference might make use of the time by proceeding to other matters while waiting for a quorum.

The PRESIDENT. There is a difficulty in the way of complying with the request made by Mr. Ilg. Immediately after the vote for which we are now waiting another will have to be taken on Dr. Miall's proposal.

There is also another proposal, to postpone both the vote on referring the report to the committee on drafting and the vote on Mr. Miall's proposal to such time as we may be sure of having the number of voters required by our rules, and to pass on, if you so desire, to the next matter in hand, which is the night work of women.

Dr. MIALL (Great Britain). May I ask whether in that case it is possible to fix a time when the report of the commission on unhealthy processes and on my resolution may be considered?

The PRESIDENT. I shall now answer Dr. Miall and any others who may have the same suggestion to make. During the few minutes in which we have discussed these various points of procedure, probably the room has filled up, and there are now enough members present to make a vote valid.

I shall now put to a vote the motion referring Dr. Legge's report to the committee on drafting, and I ask all those in favor to raise their right hands.

[Votes counted].

Sixty-two members are now present. Those opposed to referring Dr. Legge's motion to the committee on drafting will please raise their right hands.

[Votes counted].

The motion to refer Dr. Legge's report to the committee on drafting is carried. I now put Dr. Miall's motion to a vote. The text is as follows—

Dr. MIALL (Great Britain). On a point of order, sir, may I ask that the resolution standing in my name be discussed before it is put to the meeting?

The PRESIDENT. Dr. Miall requests that his motion be discussed before being voted upon. I will therefore read it. Dr. Miall requests:

That an advisory committee be appointed on which Government, employers', and workers' representatives should be included; and that said committee be appointed at once, to keep in touch with the activities of the health department of the International Labor Office.

The floor is open for discussion of Dr. Miall's proposal.

Dr. MIALL (Great Britain). Mr. President, I am placed somewhat at a disadvantage in opening the discussion on this resolution, as it does not appear on the program for to-day as set out in the daily bulletin, and a number of documents which I wished to have before me when this discussion should take place I have not with me at the moment. But I think I have already explained in general terms the reason for this particular resolution. The recommendation of the committee on unhealthy processes is to the effect that a health section should be created for the International Labor Office, which should keep itself in touch with the inspectors of the medical departments of the various Governments. I submit, Mr. President, that it is not sufficient, in a complicated and detailed subject like injurious processes, that the health department should merely keep in touch with the inspectors of the different countries. It is of vital importance to the employers and to the workers in all the trades which will come under the investigation of this health department that they shall know a sufficient time before the conference what is being proposed and the nature of the evidence upon which the recommendations of the health department will be based. We can see from the instance of anthrax and its treatment at this conference how easy it is for important mistakes to be made and how easy it is for a matter of very great national importance to be hastily put forward at a conference when some of those most intimately concerned in the problem have had little or no notice of the great changes that are recommended.

I venture to think it is quite impossible for a health department, presided over, as it no doubt will be, by a distinguished medical man, to bring forward suitable recommendations and to collect the necessary information, unless that department has the cooperation and assistance both of employers and of workers. It is hardly necessary for me to elaborate that point. But the conduct of this conference in matters of injurious processes can not be carried on in a purely bureaucratic manner. There must be, in my opinion, that intimate cooperation which can only be secured if the employers and workers are invited to assist in these preliminary investigations, and I think it is not necessary for me to do more than indicate that in moving my resolution.

The PRESIDENT. You have heard Dr. Miall develop his theme. The discussion being open any member wishing to speak is invited to ask for the floor.

If no one requests the floor, and Dr. Miall is willing, I shall put his motion to a vote.

As no one wishes to speak to the question I am going to put to a vote Dr. Miall's motion, of which you have heard me read the French version, and the interpreter the English text.

All those in favor of Dr. Miall's motion please raise their right hands.

The votes in favor of the motion being counted, all those opposed to Dr. Miall's motion please raise their right hands.

[The motion was adopted unanimously.]



We have now, gentlemen, to change the subject of our discussions. We shall pass on, if you please, to discussion of the report on the work of women. Miss Constance Smith, the reporter, will kindly come forward to present her report.

Miss SMITH (Great Britain). Mr. President, in presenting the report of the committee on the employment of women, as regards the employment of women at night, it is not necessary for me to go formally over the points of the report, which is already in your hands. There are, however, certain points in that report on which it will be advisable that I should add a few words of explanation.

First, I would like to point out that the committee, having decided to confine their considerations to the extension and application of the convention of Bern, 1906, began by agreeing unanimously to support the principle embodied in that convention. This is, I think, a significant action. Since the convention of Bern came into force, a number of countries in which for years past it had not been customary and had not been legal to employ women at night have been forced by the circumstances of a great war to suspend for the time being their factory law and to admit women to night work. Nevertheless, the point of view that night work for women is undesirable, that its prohibition should be as far as possible universal, has not been weakened by war experience, and we had no opposition in our committee to the request for support of the principle of the convention of Bern.

In examining the convention it became at once clear that the change in the situation created by the establishment of the League of Nations would necessitate certain changes in the form of the convention, and it also became clear that there was a strong feeling in favor of introducing into the convention certain changes, or, perhaps to speak more correctly, of drafting a new convention in which certain changes should be embodied. It was felt that in one or two cases definitions lacked clearness and that in one instance public opinion had gone beyond the standard taken up in the convention of Bern.

To take the second point first, in the convention of Bern, in the first article, second paragraph, these words occur:

The present convention applies to all industrial undertakings in which more than 10 men or women are employed. It does not in any case apply to undertakings in which only the members of the family are employed.

The committee was of opinion that the time had come when this distinction as to numbers in extending protection to women should be abolished. The tendency to abolish such limitation of protective legislation is very strong, has been strong for years, and it may be pointed out and should, I think, be remembered that all experience shows that it is often precisely in the smaller industries that the protection of the law is most needed. In large establishments during the war it was found possible to supply certain correctives and safeguards for the women who had to be employed at night under stress of war pressure. In the small establishments such safeguards were introduced only with great difficulty, and in the smallest kind of establishments such as the old convention of Bern had in view it would have been almost impossible to introduce them.

The proposal therefore is to delete the limiting words from the second paragraph of the first article, which would then read as follows:

The present convention does not in any case apply to undertakings in which only the members of the family are employed.

With regard to the second amendment, it is really one of convenience. It was felt to be desirable that the definition of industrial undertakings should as far as possible be identical in all the draft conventions presented to this conference, and the committee on women's employment have therefore adopted in place of the general and vague definition of an industrial undertaking in the Bern convention the definition which has been adopted in other draft conventions, such as that relating to the employment of children. It will not be necessary for me to read this convention which is before you in the record for the 18th of November.

The third proposed amendment of the convention of Bern is a new article, and the only new article which is proposed. It was introduced into the draft convention in order to facilitate the adherence to the convention of certain countries hampered by climatic conditions or backward industrial organization. It was made clear to us, for instance, by the representatives from India on the committee that their Government would not be able to adhere to the convention, and that this convention would not find possible execution in India, because of the different definitions of a factory in India and in Europe. Since the factory law of India only applies to establishments employing 50 persons or more, the convention, even if it were applied to India, would be a dead letter, not corresponding with the factory law, and at the same time it was held of great importance and value to have adherence from such a country as India to the convention. We therefore accepted in the committee the third amendment, which prescribed that in countries covered by article 405 of the peace treaty, clause 3—

The application of the provision of this present convention may be suspended in such industrial undertakings as may be defined in that respect by the Government of the country, provided that they should continue to be applicable to all establishments which are factories by the national law.

The PRESIDENT. I ask delegates to listen attentively, and to suspend private conversation in order to give Miss Constance Smith the opportunity of making her argument heard.

Miss SMITH (Great Britain). The proposal to omit the fourth paragraph of article 8 requires, I think, no comment beyond the explanation which you will find printed in the report itself. All these amendments were presented to the committee by the subcommittee to which they had been referred, and in which they were carefully discussed. The report of the subcommittee was unanimously adopted. After the adoption of that report by the committee an amendment was moved by a delegate from Japan to substitute the words "one year" for the words "two years" in the third paragraph of article 8, thus shortening by a year the delay laid down in the convention of Bern to ensue after the adherence to the convention should have been made and legislative steps taken by an adhering country. This resolution was carried by a substantial majority.

One other resolution was brought forward in the committee, to alter, in article 2, the hours prescribed as coming within the night period. The Bern convention lays down that the night period of 11 hours must in any case comprise the period between 10 o'clock in the evening and 5 o'clock in the morning. The proposal of the representative of the Italian Government was to make this period extend from 10 o'clock in the evening until 6 o'clock in the morning.

The proposal was discussed at considerable length, and when the majority decided to vote against it, it was on the ground not of any disapproval of the principle but for reasons of convenience and necessity, especially at the present time when the disorganization of war was still prevalent in industry, and it was held that to adopt this change might make reorganization much more difficult.

It was also urged that it would be almost impossible where the shift system, a system of two day shifts, holds the field to provide, if these hours were adopted, for the very necessary rest and break for a meal during the eight-hour shift. In this connection I desire to direct the attention of the conference to the minority report, signed by Madame Casartelli, which appears in the report of to-day's date, and which sets forth the reasons for the proposition and in addition requests that a recommendation be forwarded to the International Labor Office for study in order that it may be considered at the next conference.

To sum up: The committee has placed before the conference changes, which it thinks advisable and are, indeed, demanded by industrial conditions, in the existing convention of Bern. These changes, as you will have noticed, are not numerous. They leave the main lines of the Bern convention untouched. All that we propose to do by means of them is simply to prolong those lines and to attain better and more complete methods of carrying out the objects for which the Bern convention was framed.



The committee, therefore, ventures to recommend very earnestly to the conference this report, and if the report with its draft amendments is accepted, then to send those amendments to the drafting committee with a request that they draw up a new convention on the lines of the convention of Bern, embodying the amendments and at the same time adding the formal paragraphs on procedure and ratification which are now necessary. We trust, as a committee, that the conference will adopt our report and will make the necessary reference to the drafting committee.

The Bern convention represents the first step in international labor legislation. It was a valuable step. It was a step which has carried us some way along the road of the better protection of our working womanhood.

It is for this conference to go a step further to complete the work of those pioneers of 1906 and, in its much greater strength, in its far more representative character than any conference of those days, to carry on the effort to come closer to the goal.

I beg to move the adoption of the report. [Applause.]

The PRESIDENT. Mr. Baldesi, the Italian workers' delegate, has been designated to open the debate on Miss Constance Smith's report. He has the floor.

Mr. BALDESI. (Italy—remarks in Italian). The motion which is presented here came only after discussion that took place in the commission on employment of women, raised by a woman who has put her intelligence at the disposal of the workers' cause, Madame Laura Casartelli, who is adviser to the Italian Government delegates.

What I wish to call to the attention of this conference is of great importance. It concerns the work of women and the work by shifts in the establishments in which women work. I must call to your attention that since the war the world of workers has opened its doors to the employment of women wider than ever. I must also note that the system of working by shift has become a tendency in the modern world, and is a natural one also.

I also wish to call attention here to an article which I read that was written during the war by an Englishman, Lord Leverhulme, in which he said that this tendency was encouraged by the fact that capital employed in establishments where machinery was in use was three times more productive where the shift system was in use, and therefore that this amply compensated the greater expenses caused by the reduced hours.

Therefore, if the tendency of the industrial world is to adopt the shift system, we must occupy ourselves with the condition of women employed under it. The Italian Federation of Labor, which I represent, has already discussed the problem with Italian employers, and it has come to an agreement in the cotton and textile industries, in which the system of work by shift is carried on. This is the text of the agreement:

It is agreed that work in two shifts in one establishment shall last seven and a half hours for each shift, in which shall be comprised one-half hour for rest, which shall take place, if possible, outside the place where the work is carried on, and in all cases with the machinery stopped.

Is it possible that this conference will approve modifications of the Bern convention without bringing any benefit to women as far as night work is concerned? All establishments are not near the place where the workers live, and it is also not possible for them to move their dwellings close to the factories, especially in these times of great scarcity of dwellings all over the world. Considerable time is lost in going to and from the establishments, and this constitutes overtime and causes extra fatigue during the hours of the night. I know that there will be opposition from the same people who always oppose any limitations upon industry and who propose to wait for a change in conditions. We can not waste our time like those people who are studying the problem as to whether the egg was born before the hen. We have got to conclude that night work of women is very dangerous to their health, and since industry is amply compensated by the greater production of work in the shift system, we can also decide that the hours of the night from

10 to 6 in the morning are not fit for women to work in and that the half hour rest ought to be taken from the eight hours of work. I ask this to avoid difficulties, although in Italy we have, as I said before, the system of taking the half hour rest out of seven and a half hours of work. We do not want to lose the chance of making this modification in the Bern convention, placing women under better physiological conditions and also in better moral conditions, so that not only will she be a good worker but also a good mother. But if we place the work of women on the same level as that of men employed eight hours a day, we shall render only ill service to woman's cause.

The PRESIDENT. Mr. Castberg, first delegate from Norway, has the floor.

Judge CASTBERG (Norway). I shall not go into details as a member of the committee. I haven't had the opportunity to discuss all sides of the question. On behalf of the two Government delegates I only wish to say that we are both in favor of the draft convention on the prohibition of night work for women as amended by the committee, and that we will give our votes accordingly. Only upon one point should I wish an alteration, and that is the same point that is now spoken of by Mr. Baldesi. That is as to article 2 in the Bern convention, where the night is defined as the time between 10 in the evening and 5 in the morning. Under the Norwegian law it is from 9 to 6, and I should prefer that at least the time 5 o'clock be changed to 6 o'clock.

As there are some points which our woman adviser, the factory inspector, Mrs. Kjelsberg, wishes to make, I respectfully request the president to permit Mrs. Kjelsberg to say a few words.

The PRESIDENT. Mr. Castberg having asked for the floor for Mrs. Kjelsberg, I have consulted article 389 of the treaty, which says:

Advisers shall not speak except on a request made by the delegate whom they accompany and by the special authorization of the president of the conference, and may not vote.

Inasmuch as the chairman has the authority to give the floor to an adviser on the request of a delegate, and as I have before me a written request from the Norwegian delegate, I give Mrs. Kjelsberg the floor.

Mrs. KJELSBERG (Norway). Mr. President and delegates, in Norway we got our first factory-inspection law in 1892. It was revised in 1909 and in 1915. We have never had any special protective laws for woman workers except in very special cases. Thus it is forbidden for women to work in mines, to tend especially dangerous machines; and they are not allowed to work in any of those processes which are covered by law for six weeks after childbirth. In Norway all work, for women as well as for men, is prohibited between 9 p. m. and 6 a. m., except in the following cases:

1. In undertakings where the nature of the work requires continuity, as for example, gas and power houses, foundries, etc.
2. Overtime work; this work is, however, limited by law as regards the number of hours in which work may be performed.
3. Watch and necessary preparatory work.
4. In dairies it is permitted for persons above 16 years of age to receive and to forward milk but not to separate same.
5. Upon permission from the Government, as, for instance, under pressure of work, where it is of special public interest to have an order completed.
6. By special permission in each case, in seasonal work, in order to prevent decay of raw material; for instance, canning factories.

Without special laws we have on the whole escaped women's work at night.

I am against special protective laws for women except for pregnant women and women nursing children under one year of age, because I believe that we are furthering the cause of good labor laws most by working toward the prohibition of all absolutely unnecessary night work.

It is hard to see old, worn-out men and young boys in the most critical period of development work during the night. Many accidents take place in the middle of the night when the workers are most tired.



The night is meant for sleeping, and therefore all night work which is carried on for capitalistic interests should be prohibited, and likewise all work which takes place in order to satisfy an exacting and unreflecting public. Thus we have prohibition against work during the night in bakeries, for men as well as for women. A wave of protest arose all over the country, especially from well-to-do housewives, because they were thus prevented from getting hot rolls in the morning. No attention was paid to this, however. We got the law and it works splendidly. The royal commission which is now revising our factory inspection law, and of which I am a member, now intends to take up the fight for prohibition of night work in newspaper printing offices. Then it will be for men to lament the loss of the morning papers, but I hope that we shall succeed also here.

In this way I shall work for the gradual elimination of night work as regards men as well as women. I feel convinced that if in those countries where the question of women's night work is one of great importance because of the fact that it is so widely in use, if in those countries, I say, the fight is not simultaneously and forcefully taken up against work at night in general, the Bern convention of 1906 with regard to women's work at night will only be a hindrance to further progress, as it will be said that now we have protected the women and therefore the men may work hard, they are strong enough to stand it.

I hope that the honored president and the delegates have understood that I have been, and always shall be, in the forefront whenever there is a question of furthering strict laws of protection for the workers of both sexes, and that I have the fullest sympathy for and appreciation of those men and women who work for the same cause as I do, even if they do so from other motives. We are all trying to reach the same goal, which is the best possible condition of labor for the working classes, even if we go at our work in different ways. [Applause.]

The PRESIDENT. Dr. Leonidas Anastasi (Argentina) has the floor.

Dr. ANASTASI (Argentina—remarks in Spanish): The Argentine delegation will vote in favor of Mr. Baldesi's amendment, and to the arguments offered would add only one: Argentine legislation, since 1907, prohibits the employment of women from 9 p. m. to 6 a. m., and such long practice has only proved the advantages of such an interesting innovation.

The PRESIDENT. The fifth speaker, Mr. Guérin, has the floor. He is to discuss an amendment to the text of the report of the commission on the employment of women.

Mr. GUÉRIN (France). Ladies and gentlemen, the commission proposes the following amendment:

In industries where work will have to be arranged in two shifts, owing to the enforcement of the eight-hour day, the employment of women shall be authorized between 4 a. m. and 10 p. m. or between 5 a. m. and 11 p. m., providing that the work of each shift be divided by one hour of rest, i. e., for each shift, four hours of work, one hour of rest, four hours of work.

Here the employers and workers seeming to be in accord, it was thought possible to substitute for this hour of rest a half hour only, if everybody agreed. This amendment, however, is not concerned with modifying the regulation prohibiting the night work of women. Its object is to take into consideration the particular circumstances resulting from immediate enforcement of the eight-hour law. A variety of industries, gentlemen, will be able to cope with this new system only by employing two shifts where one was formerly employed, and the question with which we are now concerned is the organization and operation of these two shifts.

The industries under consideration—I shall mention only the principal ones—are the textile industries, small electric appliance plants, certain branches of the metal trade making fine machine parts and tools, and canning industries.

I must call your attention, gentlemen, to the fact that, in France at least, the textile industries employ more workers than any others, even more than all the metal-working industries. Hence it is a

matter which concerns a considerable number of people. In these industries, moreover, female labor is extensively employed. The fact must not be gainsaid that strict enforcement of the Bern convention would certainly result in ruining the majority of these industries.

Of course, ladies and gentlemen, in order to have two shifts it must be admitted that each shift is not going to be asked to work eight consecutive hours. Nobody could adapt himself to such a system as that. An hour of rest must be given, or in case of emergency, only half an hour.

I repeat, if employers and workers agree to reduce this hour of rest to half an hour, then each period of eight hours—the working period of each shift—must be divided into two periods of four hours each, with a rest between. Now, work the matter out. You will see that such a calculation leads us to the following conclusion: Work must either be between 4 a. m. and 10 p. m., since we have 4 and 4, 8 and 1, 9, or between 5 a. m. and 11 p. m., if one hour of rest is given, or 10.30 if there is only half an hour of rest.

Inasmuch, gentlemen, as the choice between these two systems depends solely on local conditions it is expedient to allow those concerned to come to an agreement on the matter among themselves. It is for that reason that we fixed the choice between 4 a. m. and 10 p. m., or 5 a. m. and 11 p. m., or 10.30 p. m.

It should be distinctly understood, ladies and gentlemen, that the special privilege requested in this instance should only be granted on the following conditions: First, enforcement of the eight-hour day; second, arrangement of work in two successive shifts; and third, an hour or a half hour rest for the workers of each shift, both men and women, as explained above.

Allow me to state in support of this amendment that the commission on child labor adopted an equivalent amendment. It would surely be very singular if what was considered acceptable in the case of children should be regarded as impossible for women who, being older, have greater powers of resistance.

I shall limit my explanations, ladies and gentlemen, to these remarks. It is a question of practical opportunity which issues from this consideration, namely, that the most determined partisans of the eight-hour law should be concerned to make it feasible, acceptable, and possible, by accommodating it to the exigencies of production. You are aware of my opinion on this subject. We must not expose ourselves to too great a decrease in production; it is decreasing, and will continue to decrease. Do not lose sight of that, ladies and gentlemen. The following notice should be posted in large letters: "As a result of the enforcement of the eight-hour system, production decreases in proportion to the decrease in the number of working hours." Therefore, wherever we can to any degree prevent this, let us do so by means of practicable amendments.

The PRESIDENT. At the request of the English-speaking delegates, I wish to ask the interpreters to make as complete a translation as possible of the speeches made in French. Some of the English auditors have complained that the translation is often incomplete. I would urge, therefore, that the interpreters kindly follow the thought of the French speakers as closely as possible and render it in full detail.

Mr. Fraipont, Belgium, is recognized.

Mr. FRAIPONT (Belgium). Ladies and gentlemen, I shall add only a few words to what Mr. Guérin has just said in support of the amendment. I should like to convince you that there is nothing reactionary about this amendment; on the contrary, its essential purpose is to permit the granting of an hour's rest morning and evening to each working shift. In reality, according to the wording of article 2, it is possible to grant only a half hour's rest during the eight hours of work, either in the morning or in the afternoon, without reducing the period of actual work. Now, it frequently happens that in the villages in the vicinity of the factories the women workers who have only half an hour's rest must take their meals in the factory and remain in the buildings. On the other hand, by granting an hour's rest to each eight-hour shift, as a general thing the women who do not live too far away can be permitted to go



home for their meals. That is the main object of the amendment which is before you. Thus in reality the point is to permit the insertion of a rest of one hour without reducing the eight hours of actual work, and thereby to organize the two eight-hour shifts in a rational and humanitarian way.

We must not make a mistake about the figures indicated. The actual rest of women who work under those conditions will really be, not 11 hours, not 12 hours, not 13 hours, but 15 hours of actual rest. We must not misunderstand this. The provisions of the Bern convention which fixed the limits for night work were made from the point of view of the one day shift. For this day shift, if it were the only one, I should be inclined to increase the period of rest granted during the night. Instead of making it 8 hours, it could even be raised to 12 or 13 hours without inconvenience. But it is a question here of organizing two shifts of 8 hours in the so-called day period, and for that it is first necessary to allow the two successive shifts two rests of an hour each. It will be necessary to increase what we consider the day period either by adding to the morning hours or by adding an hour in the evening.

Therefore I wish to emphasize the point that the proposed amendment, instead of being unfavorable to the women workers, will be more favorable to them, because in reality they will have an hour's inserted rest during their work, which will allow them to go home for their meals, and because, independently of this rest period, they will still enjoy 15 hours' rest after their work is finished. Women workers who begin at 5 in the morning will stop at 2 o'clock in the afternoon after having had an hour's rest and from 2 in the afternoon to 5 in the morning they can rest. Thus you see that this amendment is neither dangerous nor reactionary.

The PRESIDENT. Before recognizing the speakers who are to follow, four in number, I venture to express the hope that they will be as brief as possible, because the hour is growing late, and it is most important that we should finish the present discussion before 6 o'clock. We shall have to take two or three votes, and it will therefore be necessary for each speaker to limit himself. This request is not addressed to anyone in particular, but applies to all.

Mr. Posada, of Spain, is recognized.

Mr. POSADA (Spain—remarks in Spanish). The delegation of the Spanish Government, in view of the reports of the majority and of the minority of the commission on night work of women desires to make the following statement. The delegation is quite in agreement with the report of the majority of the commission in view of the fact that our law ratifying the Bern convention had already made, in 1912, the essential modifications contained in the text which is submitted to us for discussion. But the delegation is also in agreement with that part of the report of the minority which deals with the hours of rest during the night, which are compulsory. Our law provides that this compulsory rest shall be 8 hours as a minimum. The Spanish delegation finds, therefore, in this situation the necessity of voting for some method of harmonizing the two reports before us for examination. This solution is based upon the accomplished fact of the law of Spain of 1912, by which the women workers of Spain are benefited.

The PRESIDENT. Mme. Letellier, of the French delegation, is recognized.

Mrs. LETELLIER (France). As a member of the commission on employment of women and as a member of the majority, I desire to say that the questions now under discussion were thoroughly discussed by the commission, and it was after having heard the arguments of the other side which are now being repeated here that the majority expressed itself.

The delimitation of the night with reference to work in shifts was studied; and on this point Mr. Baldesi will permit me to reply to him.

If I have understood Mr. Baldesi's motion, the result would be that the work of two shifts of women would have to be done between the hours of 6 in the morning and 10 in the evening, instead of 5 in the morning and 10 in the evening, the hours fixed by the Bern

convention. Under the Baldesi motion, there would be a period of 16 hours instead of 17 for this work. The question arises as to how Mr. Baldesi understands the distribution of these working hours. Shall the work of each shift be interrupted by a rest, or shall it be continuous?

If Mr. Baldesi presupposes a half hour's rest interrupting the day's work, that means that the duration of actual work would be seven hours and a half. If it were not proposed by a person like Mr. Baldesi, for whose character I have great respect, I should be tempted to see in this an indirect way of obtaining the seven and a half hour day for women. I do not think that the commission could express itself upon that question when the eight-hour day is at this moment under discussion before a special commission. Besides, I shall not do Mr. Baldesi the injustice of believing that such was his thought.

If, then, Mr. Baldesi did not have the idea of reducing the actual work to seven hours and a half, he must admit the possibility of continuous work for each shift. With all my energy I protest against this possibility. Rest during the working day has always been called for by women workers; even if they did not call for it it ought to be granted them in their own interest. In fact, it is not possible to presuppose any continuous labor for eight hours which would not induce fatigue and exhaustion. Technical experts who have made a scientific study of fatigue in its relations to labor conclude that fatigue appears at about the third hour; others say at the fourth hour of work; at the same time there is a diminution of output. The results therefore of such a method are obvious.

As for the woman who works by the job, continuous work without any rest causes not only fatigue but also great pecuniary loss. For the others the loss would be no less, since it would affect what is perhaps their only capital, i. e., their health. To my mind the half hour's rest granted by the Bern convention constitutes a minimum, and that, too, a necessary minimum. It is impossible, when we are assembled here to study ways to prevent night work for women, that is to say, to improve their working conditions, to accept the measure proposed by Mr. Baldesi, a measure which would have the opposite result and would entirely prevent us from attaining the object so well defined by Miss Constance Smith. I can do no better than to repeat the closing words of her report:

The protection of the health of women workers, and through them, of their children, and also that of the general population in every country.

The PRESIDENT. Mr. J. Sigfrid Edstrom, of the Swedish delegation, is recognized.

Mr. EDSTROM (Sweden). Mr. President, ladies, and gentlemen, as a member of the commission I wish to say that although I am an employer I am going to vote with the majority of the commission, and I wish to explain to you why I have come to that conclusion.

I have been a member of the small committee appointed within the commission to study this question, and we have there most carefully gone into the situation. I have there pointed out just the things that Mr. Guérin and Mme. Letellier brought forward here, and I do not wish now to repeat them. It was found, however, that it is possible with the limit of time given in the Bern convention to work in two shifts.

It is not very convenient for the employers and it is not very convenient for the workers, but it is possible, and therefore it seems to me, and it seemed to the small committee of the commission, that it would be best to stick to the Bern convention as regards this.

That was a compromise within our commission and, although I, as an employer, should wish to vote the way the employers have moved here, I vote with the majority of the commission, and I beg strongly to recommend the report of the commission for the attention of this conference.

Mr. President, I second the motion of Miss Constance Smith, that the commission's report be adopted.

The PRESIDENT. Miss Hesselgren, of Sweden, is recognized.

Miss HESSELGREN (Sweden). I wish to say a few words on behalf of the Swedish Government delegates. In Sweden we



have abolished night work since 1909, and we have found that it has done a great deal of good. It seems a very reasonable demand that Mr. Baldesi has made, for prolonging the night rest till 6 o'clock and I should be very glad, indeed, if we do that without placing the women in a rather difficult position. There is no doubt, now that the eight-hour day is going to be introduced, that we have to face the fact that shift work will be done in many more trades than it has been used before, and we can not as yet see to what extent this shift work will be employed. Now, I must say with Mme. Letellier that 17 hours for shift work is the very least that you can introduce in order to give time for cleaning the rooms between the shifts or to give sufficient rest to the women during the work.

Of course, we can ask what Mr. Baldesi has asked, to give the rest during the shift, during the working shift, thereby diminishing the effective working time to seven and a half or seven hours; but I am quite sure, knowing what a long time it has taken to get people to admit the eight-hour day, that it will be quite impossible to get people to admit a seven hour or seven and a half hour day. Should this shorter day of seven and a half or seven hours be demanded for the women only, I am afraid that that will keep them out of several trades they have hitherto worked in, and I can't think that that would be a good plan.

We know too little as yet of the effect of the eight-hour day on shift work, and therefore I think it would be much better to wait till the next conference to bring forth proposals of this kind; and for that reason I prefer to vote on the commission's proposal.

The PRESIDENT. The Chair recognizes Mr. Kamada, delegate from Japan, the last speaker whose name is entered.

Mr. KAMADA (Japan). I beg to voice my opposition to the observation made by Mr. Baldesi as well as that made by Mr. Guérin. It is my privilege to declare that Japan will adhere to the Bern convention. But at the same time, realizing the great effect upon Japanese industrial conditions which will take place by the limitation of working hours at night, and reflecting on the fact that the industry which is mostly affected by the prohibition of night work is the industry supplying the necessities of life, I propose that we adopt as nearly as possible the original text of the Bern convention, that is, 10 to 5.

Again, according to Mr. Guérin's proposition, it causes an earlier beginning and later closing of work, which does not protect women workers, even if the contrary may be his intention. In other words, I hope that the original recommendation by the committee may be adopted as it is.

The PRESIDENT. Mr. Ilg is recognized.

Mr. ILG (Switzerland). Ladies and gentlemen, I take it that for the time being the matter before the conference is to examine what convention we desire to draft concerning night work, and after that concerning work in shifts. The question of principle must first be settled—if we are agreed on the principle of accepting work in shifts for women.

As far as I am concerned, for the time being I am utterly opposed to having the system of two shifts for women also introduced. I have no desire to go into details, because I consider that at present the question can not be discussed here, since it has not yet been thoroughly examined.

I believe that for the moment the conference should occupy itself solely with night work for women, properly speaking. As regards work in shifts, this is a question the principle of which must first be examined and then submitted to a committee, either the one which has already taken up the subject, or a new committee. It seems to me that just now there is an effort to take the conference by surprise in regard to a principle of very wide range. I do not believe that this is a matter to be discussed in a few words or by the insertion of a few amendments. Work in shifts is a most important question, and I am sure that all countries in which organizations of workers exist will be opposed to it. The system of two shifts for men is already presenting great difficulties, and for women would be still more difficult, for it entails first of all a disorganiza-

tion of the family. It is quite possible that this system may not work at all. Therefore I propose for the time being to discuss only night work, and with regard to the second question, to refer it to a committee to study the principle of it.

The PRESIDENT. Gentlemen, the discussion of the report on employment of women has been as full as could be desired. We shall proceed now, with your consent, to vote first on the amendments, and then on the complete report with or without the amendments, according to what shall be indicated by your previous vote as to their inclusion or exclusion. Therefore, if you so desire, I shall call for a vote upon the motion offered by Mr. Baldesi concerning night work of women; next we shall take a vote upon the employers' report as set forth by Mr. Guérin and Mr. Fraipont, and finally, after the result of these votes is ascertained, the conference will be called upon to voice its opinion on the report with or without these amendments.

Is this method agreeable to the conference?

Mr. ILG (Switzerland). I am not in harmony with this method because it will compel me to vote against the motion of Mr. Baldesi, which I do not wish to do. I should like the two questions to be separated, and the appointment decided upon now of a committee to study the question of the system of work for women in shifts.

The PRESIDENT. Then here we have a third motion, the one offered by Mr. Ilg.

Mr. Ilg's motion amounts to this: That the whole question should be referred to a committee, that is to say, all the work which has been done would have to be done over again. Do I understand that such is the motion of Mr. Ilg? I beg Mr. Ilg to consider the seriousness of his motion, and for my part I should ask him to be kind enough to withdraw it.

Mr. ILG (Switzerland). I am extremely sorry, but I can not withdraw my motion, inasmuch as I can not accept any change in the draft convention which would include night work of women and at the same time a system of work in shifts, which are two entirely separate things. As far as the system of working in shifts is concerned, this question in my opinion should first be studied further.

The PRESIDENT. Mr. Ilg's proposal seems to be a regular motion. Now, as the motion was not presented the day before, it can not be brought up for discussion to-day.

If Mr. Ilg does not concur in Mr. Baldesi's motion or in other motions which have been presented, he has only to vote against them.

Mr. BALDESI (Italy—remarks in Italian). If the motion presented by Mr. Ilg, of Switzerland, had been accepted I would have agreed to accept the discussion of the question of principle; otherwise I insist upon my motion.

The PRESIDENT. In the present state of affairs, it seems to me that if these gentlemen desire to make a recommendation upon work in shifts to the next conference, they can do this in the way indicated in the standing orders; but the duty of the president is for the time being to take a vote upon the amendments which are in order.

Therefore I call for a vote on Mr. Baldesi's amendment, the text of which has been read or the reading of which has been heard by everybody.

Those who are in favor of Mr. Baldesi's motion, please raise their right hands.

[Votes counted.]

Those delegates who are opposed to the Baldesi motion please raise their right hands.

[Votes counted.]

Mr. Baldesi's motion is rejected. Twenty-seven voted in favor, 26 against.

We shall now take a vote on the amendment to the text of the report of the commission on employment of women in night work



which was presented by the employers' group and explained by Messrs. Guérin and Fraipont.

Those delegates who are in favor of this amendment, please raise their right hands.

[Votes counted].

Those delegates who are opposed to the amendment, please raise their right hands.

[Votes counted].

The amendment is rejected by 58 votes to 16.

Now, ladies and gentlemen, we shall proceed to take a vote on the entire report.

Those in favor, please raise their right hands.

[Votes counted.]

Those opposed to the adoption of the report please raise their right hands.

The report is unanimously adopted.

And now, gentlemen, the program of the conference would bring us to the discussion of the report of the committee on standing orders, but I think that the lateness of the hour and the approach of 6 o'clock, the usual limit for our daily sessions, invite us to adjourn. If you agree, we shall meet to-morrow at half-past 2.

[The meeting was adjourned to Friday, November 21, at 2.30 o'clock p. m.]

The following delegates were present:

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| Argentina:   | Colombia:   |
| Dr. Leonidas Anastasi.   | Dr. Carlos Adolfo Urueta.   |
| Dr. Alejandro Unsain (substitute for Dr. Felipe Espil).        | Cuba:   |
| Mr. Hermenegildo Pini.   | Mr. Carlos Loveira (substitute for Mr. Carlos Armenteros y Cardenas). |
| Belgium:   | Mr. Francisco Carrera Justiz.   |
| Mr. Armand Julin (substitute for Mr. Michel Levie).            | Czecho-Slovakia:  |
| Mr. A. Delmer (substitute for Mr. Ernest Mahaim).              | Mr. J. Sousek.  |
| Mr. M. Fraipont (substitute for Mr. Jules Carlier).            | Mr. Charles Spinka.   |
| Mr. Corneille Mertens.   | Mr. F. Hodacz.  |
|  | Mr. Ferdinand Statsny (substitute for Mr. R. Tayerle).                |
| Canada:  | Denmark:  |
| Mr. Gerald Brown (substitute for Hon. Gideon D. Robertson).    | Mr. S. Neumann.   |
| Mr. Loring C. Christie (substitute for Hon. Newton W. Rowell.) | Mr. C. V. Bramsnaes.  |
| Mr. E. Blake Robertson (substitute for Mr. S. R. Parsons).     | Mr. H. Vestesen.  |
| Mr. David Rees (substitute for Mr. P. M. Draper).              | Mr. C. F. Madsen.   |
| Chile:   | Ecuador:  |
| Mr. Gustavo Munizaga Varela.                                   | Dr. Don Rafael H. Elizalde.   |
| Mr. Felix Nieto del Rio.                                       | Dr. Don Juan Cueva Garcia.  |
| China:   | Finland:  |
| Mr. Lingoh Wang.   | Mr. A. H. Saastamoinen.   |
|  | Judge Niilo A. Mannio.  |
|  | Mr. Robert Lavonius.  |
|  | Mr. Matti Paasivuori.   |

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| France:   | Persia:  |
| Mrs. Letellier (substitute for Mr. Arthur Fontaine).              | Mirza Abdul Ali Khan.  |
| Mr. Max Lazard.   | Mirza Ali Asghar Khan.   |
| Mr. Louis Guérin.   | Peru:  |
| Mr. Dumoulin (substitute for Mr. Léon Jouhaux).                   | Mr. Carlos Prevost.  |
| Great Britain:  | Mr. Eduardo Higginson.   |
| Miss Constance Smith (substitute for Right Hon. G. N. Barnes).    | Mr. Vicente Gonzalez.  |
| Sir Malcolm Delevingne,   | Mr. Victor A. Pujazon.   |
| Mr. D. S. Marjoribanks.   | Poland:  |
| Mr. G. H. Stuart-Bunning.   | Mr. Franciszek Sokal.  |
| Greece:   | Mr. Jozef Rymer.   |
| Mr. John Sofianopoulos.   | Mr. Jastrzebowski (substitute for Mr. Jan Zagleniczny).          |
| Mr. Angelus Skinzopoulos.   | Mr. Edmund Bernatowicz.  |
| Mr. Eugene Cantacuzène.   | Portugal:  |
| Mr. Timoleon Lamprinopoulos.                                      | Mr. José Barbosa.  |
| Guatemala:  | Mr. Alvaro de Lacerda.   |
| Mr. Francisco Sanchez Latour.                                     | Mr. Alfredo Franco.  |
| Dr. Ramon Bengoechea.   | Roumania:  |
| Mr. Alfredo Palomo Rodriguez.                                     | Mr. C. Orghidan.   |
| Mr. Manuel Moreno.  | Mr. Gregoire Michaelesco.  |
| Haiti:  | Salvador:  |
| Mr. Charles Moravia.  | Don Salvador Sol.  |
| India:  | Serbs, Croats, and Slovenes:                                     |
| Mr. Louis James Kershaw.  | Dr. Velimir Stoykovitch (substitute for Dr. Slavko Y. Grouitch). |
| Mr. Atul Chandra Chatterjee.                                      | Mr. Marko Bauer.   |
| Mr. Alexander Robertson Murray.                                   | Mr. Sveta Frantz.  |
| Mr. Narayan Malhar Joshi.   | Dr. Ludevit Peritch.   |
| Italy:  | Siam:  |
| Baron Mayor des Planches.   | Phya Prabha Karavongse.  |
| Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cabrini). | Phya Chanindr Bhakdi.  |
| Comm. E. Baroni.  | South Africa:  |
| Mr. Gino Baldesi.   | Mr. H. Warington Smyth.  |
| Japan:  | Mr. William Gemmill.   |
| Mr. Eikichi Kamada.   | Mr. Archibald Crawford.  |
| Dr. Minoru Oka.   | Spain:   |
| Mr. Sanji Muto.   | Viscount de Eza.   |
| Mr. Kohei Sato (substitute for Mr. Uhei Masumoto).                | Mr. Adolfo Gonzalez Posada.                                      |
| Netherlands:  | Mr. Alfonso Sala.  |
| Mgr. W. H. Nolens.  | Mr. Francisco Largo Caballero.                                   |
| Miss H. Kuyper (substitute for Mr. G. J. van Thienen).            | Sweden:  |
| Mr. J. A. E. Verkade.   | Dr. E. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg).    |
| Mr. P. Serrarens (substitute for Mr. J. Oudegeest).               | Miss Hesselgren (substitute for Senator R. G. Halfred von Koch). |
| Nicaragua:  | Mr. J. S. Edstrom (substitute for Senator Hjalmar von Sydow).    |
| Señor Don Ramon Enriquez.   | Mr. A. Herman Lindqvist.   |
| Norway:   | Switzerland:   |
| Judge Johan Castberg  | Dr. Hans Sulzer.   |
| Judge I. M. Lund.   | Dr. Hermann Rufenacht.   |
| Mr. G. Paus.  | Dr. H. Wegmann (substitute for Mr. Dietrich Schindler).          |
| Mr. J. Teigen (substitute for Mr. Ole Lian).                      | Mr. Conrad Ilg.  |
| Paraguay:   | Uruguay:   |
| Mr. Arturo Campos.  | Dr. Jacobo Varela.   |
| Dr. Manuel Gondra.  | Venezuela:   |
|   | Dr. Don Santos A. Dominici.                                      |

## SIXTEENTH SESSION—FRIDAY, NOVEMBER 21, 1919.

The conference convened at 2.45 o'clock p. m., Baron Mayor des Planches (Italy) presiding.

The PRESIDENT. Gentlemen, the meeting is called to order. According to the program of the conference we should proceed to-day to examination and discussion of the two reports of the committee on standing orders. First, however, the secretary general is recognized in order to make an announcement to the assembly.

The SECRETARY GENERAL. If the two items on the agenda for this afternoon's meeting are disposed of, there will be no full session of the conference to-morrow morning. If they are not disposed of, the conference will meet to-morrow morning at 10 o'clock. There will also be a meeting of the committee of selection at 10 o'clock to-morrow morning, in any case.

Mr. COLLINET (France). At what hour?

The SECRETARY GENERAL. At 10 o'clock.

The PRESIDENT. Then, gentlemen, we will begin our examination and discussion of the two reports of the committee on standing orders. Mr. Mahaim, the chairman of the committee, has been directed by the committee to present to the conference the two reports on questions submitted to it. Mr. Mahaim has the floor.

Mr. MAHAIM (Belgium). Mr. President, ladies, and gentlemen, I do not think any long speech is necessary in order to lay before you the work of our committee. It was a thankless task, as it was a question of determining the exact rules for governing our assembly, and we had difficulties to meet of a special nature. These difficulties arose particularly from the different parliamentary customs existing in different countries; notably from the differences between the Anglo-Saxon countries and the others.

It seemed to us impossible to adopt purely and simply the parliamentary procedure of any one of these groups of countries. Such



action would involve too great a shock to the customs and modes of thought of the other group. Consequently, we have attempted a compromise. We endeavored to frame rules and regulations, our standing orders, in such a way as not to clash too much with the customs of either group. Hence you will find certain provisions which may at first seem rather unusual, provisions in which we considered it our duty to explain our reasons for their adoption as clearly and simply as possible.

On the other hand, I wish to observe, as I said at the beginning of my report, it was not necessary to rewrite into these regulations, which are merely standing orders involving matters of internal procedure, all the provisions already contained in Part XIII of the peace treaty. I hasten to make this explanation in order to prevent anyone from asking "Why is this article, which is contained in the peace treaty, not reproduced in the standing orders?"

In the next place, we tried to take account of the practice of this assembly. In short, ladies and gentlemen, the provisional standing orders which have been submitted to you have been in actual practice during these few days—these few weeks, we may say—and, except for a few details, a few additions that we felt should be made, have on the whole worked fairly satisfactorily. We are keeping the general outlines, and only adding whatever seems necessary for the greater accuracy of the provisions we adopted.

Mr. President, with your consent, I shall refrain from entering into the details of the standing orders, and simply make observations on each article as it is brought up for discussion.

The PRESIDENT. The floor is open for discussion.

Mr. BARBOSA (Portugal). I request the floor.

The PRESIDENT. Mr. Barbosa is recognized.

Mr. BARBOSA (Portugal). Mr. President, as I understand it, you have opened the floor to discussion of the two reports of the committee on standing orders. I have nothing to say in regard to the first report, but in regard to the second I must say to the eminent members of the committee that they have been mistaken as far as the application of the orders to Portugal is concerned.

The second report of the committee on standing orders says that Portugal—

The PRESIDENT. Will the delegate from Portugal allow me to remark that discussion of the first report is in order first.

Mr. BARBOSA (Portugal). You said that both reports were open to discussion.

The PRESIDENT. The two reports will be discussed in succession.

Mr. BARBOSA (Portugal). Very well, I will wait, but I request the floor for the second report.

The PRESIDENT. Will some one take the floor on the first report of the committee on standing orders?

Dr. MIALI (Great Britain). Mr. President, I would like to raise the same point of order which Mr. Kershaw raised yesterday afternoon. It is desirable that this report shall be carried by a valid majority, and if it is necessary to have half the votes of the members of the conference perhaps it might be worth while to continue the discussion for a few minutes in order to get the necessary quorum present here.

The PRESIDENT. The chairman has no objections to the discussion being continued, provided some of the delegates take the floor; but thus far no one has asked the floor on the first report. Do you then, gentlemen, wish to discuss both reports together as long as no one has requested the floor for the first, and inasmuch as the delegate from Portugal has requested the floor for the second?

If no one requests the floor for the first report, I give the floor to the delegate from Portugal on the second.

Mr. DRAPER (Canada). I submit that I think there is a sufficient number in attendance now for us to adopt the first part of the report and then deal with the second part. I would like to ask Dr. Mahaim if he has proposed the adoption of the first part of the report.

The PRESIDENT. A separate vote is asked for the first and second report. This separate vote would have been taken even if

the second report had been discussed immediately following the first, and without a vote intervening. As we seem to have a quorum we can vote. If no one requests the floor for discussion of the first report, we can put it to a vote. Does anyone ask the floor on the first report? As no one requests the floor on the first report, I shall put the report to a vote.

Just a minute, gentlemen, in order to have the delegates summoned who may be in the corridors near the conference room, or in committee rooms.

Gentlemen, I beg the delegates in favor of the first report of the committee on standing orders to raise their right hands.

[Votes are counted by the teller.]

I now beg all the delegates opposed to the first report to raise their right hands.

As no one is opposed to the first report of the committee on standing orders, it is adopted unanimously.

I open the floor to discussion of the second report of the committee on standing orders, and I have the honor of recognizing the delegate from Portugal, Mr. Barbosa.

Mr. BARBOSA (Portugal). Mr. President, the second report of the committee on standing orders states which countries were appointed to take part in the conference at Washington, and among those countries I note the one which I have the honor to represent, Portugal.

Portugal, Mr. President, appointed employers' and workers' delegates, and if, by chance, the Portuguese Government had not appointed its two delegates, I should not be at this conference, for it was my understanding that the promotion of social peace was our object in coming to Washington, and I felt that this would be impossible to accomplish if the disparity in representative strength of the workers and employers were too considerable.

My country did indeed appoint but a single Government delegate. Two were named at first, but one of them was unable to come and no substitute provided inasmuch as we were of the firm opinion that Government representation should not outweigh that of the other groups. We Portuguese feel quite free to discuss social questions because we have outstripped almost all countries by adopting social measures considerably more advanced than those proposed at this conference.

Mr. President, I wish to draw the attention of the eminent members of the committee on standing orders to this fact, because I believe it would perhaps be questionable—that it is questionable—whether we should give voting privileges to countries which do not have both workers' and employers' representatives.

I believe that the members of the committee on standing orders can satisfy themselves that the delegates are here. There is Mr. de Lacerda, the employers' representative, and Mr. Franco, the representative of the workers' organizations in my country. They did not arrive in time to be present at the opening of the conference, but that was neither their fault nor that of the Portuguese Government. They were at Halifax, where the *Royal George* remained five or six days. Other delegates were in the same situation—they arrived on the *Royal George* and were not mentioned in the report of the committee. I will refrain, Mr. President, from mentioning them, but I must also state that in the course of the proceedings on verification before the committee, through the fault of a few careless members—forgive the word—the Portuguese Government delegate was not even asked whether other delegates were or were not appointed. Yet both the workers' and employers' delegates have been making inquiries of me in the matter since the first day.

I am anxious to make these statements, Mr. President, because I believe the names of the Portuguese delegates are to be found in the provisional record.

The PRESIDENT. Mr. Mahaim, of the Belgian delegation, and reporter of the committee on standing orders requests the floor.

Mr. MAHAİM (Belgium). Mr. President, gentlemen, I have no hesitation in making my excuses to the delegate from Portugal, inasmuch as I did everything in my power to learn the exact situa-



tion of the various countries. A letter was sent to the different Government representatives on our list, including the delegate from Portugal. If he did not receive the letter, I am extremely sorry and express my regrets. I request therefore that Portugal be struck off the list of countries sending only Government representatives.

With regard to the task of the committee, it is my duty to say to you that although we sent letters in ample time, and designated the time at which we would be ready to hear the delegates from all these Governments, they did not appear. This is how I came to be told that your delegates had been appointed but had not come, and why they found themselves in the same situation with others.

I shall strike Portugal from my report when it appears in its final form.

The PRESIDENT. The delegate from Portugal has the floor.

Mr. BARBOSA (Portugal). I appreciate very much remarks that have been made by the chairman of the committee on standing orders.

The PRESIDENT. Explanations having been made and accepted with the same good grace, the episode is closed, and I give the floor to any other delegates who may wish to discuss the second report.

As no one wishes the floor on the second report of the committee on standing orders, we shall proceed, with your approval, ladies and gentlemen, to a vote on this same report.

Mr. Perez, of Cuba, is recognized.

Mr. PEREZ (Cuba). I want to call your attention to a point in regard to the third paragraph of article 389 of the treaty of peace which refers to the procedure to be followed by the different members in the nomination of non-Government delegates to the conference, and to state that a number of countries have experienced great difficulty in the designation of these non-Government delegates in view of the fact that no procedure has been indicated in the text of the peace treaty. It is unnecessary to refer to these difficulties, but that they have occurred is a question of regret. The delegation from Cuba, therefore, respectfully submits the following:

The governing body of the International Labor Office is requested to study the question of the procedure to be followed by the different members in the nomination of non-Government delegates, in view of the experience of the different countries in regard to this first conference.

The PRESIDENT. I do not believe, gentlemen, if I may be allowed to express my personal opinion, that it is within the jurisdiction of the governing body to modify or amplify a constitution drawn up at Paris, as the delegate from Cuba wishes. Such a matter would have to be submitted to the League of Nations itself.

In view of the lack of instructions or special directions in the constitution, it would seem as if it were the duty of each country to proceed as it thinks best. I seem to remember however, that in the reports of the labor commission at Paris or elsewhere, remarks were made to the effect that in the choice of industrial and workers' representatives each Government was recommended to select such delegates from the most representative organizations possible. I also seem to remember that the fact of not having appointed these representatives from representative labor and industrial organizations would warrant objection on the part of the International Labor Office. I offer these observations, however, purely as my personal impression.

Mr. Perez requests to be recognized. The delegate from Cuba is recognized.

Mr. PEREZ (Cuba). It is not intended in the motion submitted that the governing body of the International Labor Office shall modify or interpret in any way the text of the treaty of peace; but that it should study, that it should look into the question of procedure. The treaty contains no stipulations regarding procedure, and it is a matter of fact that difficulties have arisen in a number of countries, especially in those countries where the organization of industry and of labor is deficient. I do not need to go into the question of fact, for that is well known to all the members of the conference. Therefore, the only object is that the governing body of the International Labor Office shall devote its attention to the matter of procedure, and

if it finds that the whole subject should be left to each individual member to determine, it should so recommend; but in case it were possible to lay down rules of some kind, it would greatly help the different Governments and contribute to the efficiency of the work of this conference.

The PRESIDENT. I believe that the delegate from Cuba may have every confidence in the members of the International Labor Office who will read our reports at Paris, and who will find in those reports all our recommendations, regardless of the manner in which they have been presented.

Mr. DRAPER (Canada). Mr. President, may I suggest to the delegate from Cuba that, if he intends to press his suggestion, he should submit it and that it be printed and presented to the conference, not as part of this report, and then it could be adopted or rejected by the conference after it had been printed. That is just simply a suggestion that I make to the delegate from Cuba, and I would also like to move the adoption of the second part of the report of the committee on standing orders.

The PRESIDENT. Does anyone ask to be recognized on the second report of the committee on standing orders?

Dr. ELIZALDE (Ecuador—remarks in Spanish). The reason Ecuador did not appoint any employers' or workers' delegate is that although there are workers' organizations in Ecuador, there are no employers' organizations in Ecuador; hence, there is only a representative of the Government.

The PRESIDENT. Mr. Mahaim is recognized.

Mr. MAHAIM (Belgium). Then I shall simply change the conjunction "and" to "or" in the phrase "employers' or workers' organization." I hope that that will be satisfactory to you.

The PRESIDENT. As no one else has asked to be recognized on the second report of the committee on standing orders, I am going to put it to a vote.

All those in favor of the second report of the committee on standing orders please raise their right hands.

[The votes are counted.]

All those opposed to the adoption of the second report of the committee on standing orders please raise their right hands.

[The second report of the committee on standing orders is unanimously adopted.]

Ladies and gentlemen, the next thing on our program is the examination and discussion of the report of the committee on credentials. As the reporter, Sir Malcolm Delevingne, is momentarily absent from the room, but probably in the building, I have sent for him, and he will doubtless be present shortly. I ask you to be patient a moment, and to keep your seats.

We will now proceed, gentlemen to examine and discuss the report of the committee on credentials. Sir Malcolm Delevingne, the reporter, is recognized.

Sir MALCOLM DELEVINGNE (Great Britain). Mr. President, I move the adoption of the supplementary report of the commission on credentials. This report which was printed with the record of Tuesday deals with two matters. The first was an objection lodged to the appointment of the labor delegate from Argentina. The second was an objection lodged to the appointment of the labor delegate from Guatemala. On the second matter the commission have been able to come to a unanimous decision, and it is unnecessary therefore for me to say anything on that subject.

On the other matter, the objection lodged to the labor delegate from Argentina, we have unfortunately not been able to agree. The facts as explained to the commission are set out in the commission's report, and there is, I think, no disagreement between the members of the commission with regard to them. The only question is as to the inference which should be drawn from those facts. Now, the situation is an exceptional one. It is somewhat similar to the situation we had to consider in the case of Japan. It is a case where there is no one body or authority representative of the large majority of the workers of the country. There are several organizations of more or less the same size and influence, none of them possessing any outstanding position.



The question, therefore, which the Government of Argentina had to consider was what action it should take, bearing in mind the words of the treaty. Those words are that the delegates must be appointed in agreement with the organization, if any, most representative of the workers of the country.

Now, without expressing any opinion as to the propriety of the action taken by the Argentine Government, the majority of the commission were of opinion that in these special circumstances which prevail in Argentina in regard to the trade-union organizations it was not necessary or desirable for the conference to take any action. There is no question that the labor delegate actually appointed is really representative of a section of the working classes of Argentina. Whether he is representative of the authority or body which is most representative of those classes seems to the majority a difficult question, on which it is impossible to pronounce decisively. We should rather put it in this way, that there is at present in Argentina no authority which can be regarded as representative of a substantial majority of the working classes of Argentina. In these circumstances, the majority of the commission recommend that no action be taken.

They also venture a suggestion. The case is one which, in our view, is not provided for by the treaty, but it is very desirable that Governments which are placed in that position should act, as we are sure they desire to act, as far as possible in compliance with its spirit. The suggestion which we have ventured to make in our report is that in such circumstances Governments should endeavor to arrive, by consultation, and, if possible, agreement, with the various organizations concerned, that a selection be made which would command the general approval of those organizations. It may not be possible always to secure that, but we think that if they make the endeavor this conference will not question the results. It is only a suggestion made for consideration by the Governments. It is not intended to be in any way a dictation to them.

With these words, I move the adoption of the committee's report.

The PRESIDENT. Mr. Oudegeest, of the Netherlands, is recognized.

Mr. OUDEGEEST (Netherlands—remarks in Dutch). As a member of the committee on credentials I must oppose the participation of the Argentine delegate in this conference for these reasons: In the peace treaty it is stipulated that the Government shall designate both employers' and workers' delegates, in consultation with the most representative organization of the country, and it is quite definitely established that such was not the case as regards Argentina. The report of the committee on credentials says:

The labor delegate was selected by the Argentine Government in agreement with the association of railway workers, known as La Fraternidad. This association is the oldest association of workers in the country; its membership is over 15,000 and includes over 90 per cent of the railway workers. It is incorporated under the Argentine law. There is also a federation of trade-unions representing certain industries (including commercial and office employments) centered in the Provinces of Buenos Aires and Santa Fe, the membership of which is uncertain. In the letter of objection it is claimed that the membership is 80,000. The Government delegates state that the membership fluctuates considerably from time to time and at the present moment is probably between 20,000 and 30,000.

There are no accurate statistics available. These associations are not incorporated under the Argentine law and have no recognized legal existence. It does not appear, however, that they are illegal associations. The commission is informed that there is no law in Argentina in regard to the formation of trade-unions. The Argentine Government delegates defended the course taken by the Government on the ground that La Fraternidad was the only association which represented workers in all parts of the country and which is recognized by and has any responsibilities under the law of the State.

Gentlemen, I consider that this assembly has nothing to do with the arguments set forth in this report. It may be very fine for this Fraternidad association to be the oldest in Argentina, but that does not mean that it is the most representative. It may be fine for this association to have organized 90 per cent of the railway workers; that does not mean, however, that it includes the workers in the industries, in commerce, etc. This association may not even be incorporated, according to Argentine law, and that has nothing to do with this conference. The conference has simply to deal with the question of ascertaining whether the organization which is rep-

resented here is the most representative organization. And if it is true, as is said in the report, that the organization whose interests we are defending has only 20,000 or 30,000 members, even then it has the right to be represented here because it is more representative than the one which is represented at present.

As secretary of the International Federation, of Labor I have received from the protesting organization the dues of 80,000 members, which makes me certain that there are that number of members in that federation. Further in their report when they say that at times there are a certain number of members and at other times a different number, the committee have assumed that this organization has an unstable existence. But we can confidently state that this organization has existed for more than ten years and that among its members are workers in industry and commerce and sailors and longshoremen as well. At the present time it has two members, its secretary and its treasurer, who are making a trip to Europe on behalf of their organization to study the different forms of union organization which exist in all the countries of Europe. I am surprised that such an organization can be said to have merely an ephemeral life when it sends two men to visit Europe for six months. And therefore, for the reasons presented, I contest the figures brought forward in the report, and I contest also its form.

We have been informed in the same report that the Fraternidad organization has a legal status; but I wish to call attention to the fact that in several countries the same situation exists; the law provides that a trade organization may be incorporated, i. e., they desire the law to give a civil status to these organizations, but that does not mean that all organizations must do so. And there is one outstanding fact, that is, that in the last 10 or 15 years many union organizations, which are nevertheless powerful, have not laid claim to this right, because it is a right and not a duty and because they have no need of being incorporated. I was designated by the Government of the Netherlands as official delegate to this conference in my position of president of the Central Trade-Union of the Netherlands. Its organization is the most representative in the country, and yet it has no legal status. I may cite the case of Mr. Mertens, the Belgian workers' delegate, who is likewise an official delegate, and yet his organization has no legal status in his country.

That, then, is the reason why I can not follow the argument given in this report, and I ask the conference not to consider its statements as arguments in favor of the admission of the Argentine delegate. Finally, I wish to point out to the conference that there has been a precedent in this matter during this very conference. In fact, the denominational organizations of France protested because they were not represented in the French workers' delegation; and the French minister replied:

The French organization, the General Federation of Labor, contains a million members; your organization has only 75,000; therefore the federation is the more representative.

Furthermore, this reply of the French minister was confirmed by a vote of the present conference; and I therefore ask you to give the same reply as regards the request of Argentina, that is, to decide to-day that the Argentine delegate who is here present does not represent the most representative organization, and to refuse him admission to the present conference.

The PRESIDENT. I request the floor for a moment. It is not proper that I should occupy the chair now that Mr. Jouhaux, one of the vice presidents of the conference, is in the room; I have seen that he is here and I beg him to take my place at once.

Mr. JOUHAUX (France). I shall give way to Baron Mayor des Planches, and I hope he will continue to act as chairman.

The PRESIDENT. Mr. Jouhaux is recognized.

Mr. JOUHAUX (France). Gentlemen, I think I must take part in the discussion, because we are touching now on a point of the utmost importance. No feeling of hostility enters our minds, no feeling of animosity towards the workers' delegate from the Argentine Republic who is now at this conference; but we hold that if the conference should admit the delegate from the Argentine Republic under the existing conditions and under the conditions of his ap-



pointment, the article of the peace treaty providing for the constitution of the International Labor Conference would be violated immediately. The International Labor Conference must be made up of the delegates from the various Governments and of the delegates from the employers' and the workers' organizations which are most representative of those groups in the respective countries. Certainly no ambiguity can arise in the interpretation of that statement. It is clearly understood that an organization, in order to be the most representative of the labor force of a nation, must not be limited to a single industry, but must include all industries.

But here we find ourselves in the presence of a delegate who belongs to the railway federation, i. e., an organization which represents merely the railway workers of the Argentine Republic. As against this organization there exists a national organization which includes the majority of the existing industries of the Argentine Republic, whose membership varies between 80,000 and 120,000. The question whether this organization has been given a legal status by the Government of the Argentine Republic is not before us at the present moment.

I do not wish to go into a discussion of the subject, but I might say that at the present time there is a law on trade-unions in Argentina—rather a law under discussion affecting trade-unions—against which the majority of the workers in the Argentine Republic have protested through meetings, demonstrations, and strikes. That question can not come up in connection with what we have to pass upon now; the only point for us is to find out whether the federation on behalf of which a protest is here made is more representative of the Argentine labor forces than the organization now represented here by the workers' delegate from Argentina. And I must say that it is impossible to come to any other conclusion as to the question before us than the one to which we have come.

It is sufficient to note the different labor organizations in this conference to get confirmation of this, whether it be Great Britain, Belgium, Canada, France, Italy, Spain, Sweden, Norway, Denmark, or the Netherlands. The workers' delegates who are here from these countries do not represent this or that union, this or that federation of unions, but the federations of all the unions in their country, and hence the national trade-union organization of the country. It is thus, and only thus, that the clause in the peace treaty must be interpreted.

If it were otherwise, you would be violating the clause itself or the spirit of it at least; you would be doing great injury to the workers' delegates who are here and who might expect that in future it would not be the organization most representative of the labor force which would attend international labor conferences, but one union organization or another as might be designated by the Government. We can not accept this arbitrary method, and we declare that in conformity to the peace treaty itself and in its spirit and laying aside all question of animosity or hostility, we can not admit the labor delegate from the Argentine Republic under the present conditions.

The PRESIDENT. The Chair recognizes Mr. Leonidas Anastasi, the Argentine Government delegate.

Dr. ANASTASI (Argentina—remarks in Spanish). On behalf of the Government delegation of Argentina I wish to make a few remarks as to the statements presented by the majority in its report, without losing sight of the objections of the minority. Let me reverse the order and speak first on the minority report. It is strange that Mr. Oudegeest at the same time acts as a judge and as a party. In his capacity of secretary he signs the only protest brought forward. As judge he signs the minority report. The minority holds that the nomination of the workers' delegates has not been made in accordance with the most representative organizations, but it does not say which of those organizations is most representative. The minority would be at a loss if it was obliged to name it. The communication annexed refers only to the federation of trade-unions of the Argentine Republic, without specifying which one; for there are three federations: The Regional Workers' Federation of Argentina, the Workers' Federation, called the organization of the Fifth Congress, and the Catholic Workers' Organization. But one

of these three organizations, or all jointly, includes 80,000 organized workers, according to the communication. Those 80,000 members are just a drop of water in a large sea in a workers' population of 2,000,000.

The figures given are taken from the Argentine Economic Review in its last issue. The federation to which the protest refers is no doubt the Regional Workers' Federation, because the existence of the Fifth Congress is a doubtful and vague one. This federation only shows signs of life when it comes to commemorating the Russian revolution and calling a general strike, which as far as Buenos Aires is concerned, goes on as unnoticed as an earthquake. The Regional Workers' Federation includes only about 20,000 organized members. This number as compared to the five and a half millions of members of the English trade-unions mentioned in the June issue of the Monthly Labor Review of the U. S. Bureau of Labor Statistics is insignificant. And even if we take these 20,000 members for granted, they represent organizations completely foreign to the work of this conference, as, for instance, the National Teachers' League and the Trade-Union of Newspaper Men. I take from page 37 of the Bulletin of the National Labor Department of Buenos Aires the figures mentioned above, and as this bulletin has just been received, I avail myself of this occasion in order to submit these figures to you.

I want to speak particularly to the workmen. The Argentine Government has been of the opinion that so far the most representative workmen's organizations of the country are the *Fraternidad* and the Federation of Maritime Workers. My remarks are not intended to lessen the importance of the Regional Worker's Federation, which everybody knows is a bona fide, conservative, and peaceable organization to such an extent that even the employers have sometimes applied to it in order to settle points of conflict by arbitration. It is the cradle for a strong organization for the future. As between the *Fraternidad* and the Federation of Maritime Workers, the Government has preferred the first one, for the reasons which the workmen's delegates will explain to you.

The Government of Argentina acted on an invitation of Mr. Gompers who had invited the Governments to appoint a workmen's delegate from bona fide associations, from representative associations, and who had left it to the Governments to decide which were those organizations. The argument which has been brought forward by Mr. Jouhaux does not hold, because his figures seem to be erroneous. I quote the official statistics of the federation itself, which show that the federation has 20,000 organized members.

The precedent in the case of France which has been quoted by Mr. Oudegeest can not be invoked because the difference between the figures he mentioned are really too great. The General Confederation of Labor of France numbers one and a half million members and the federation only 20,000, so you see that the difference is an enormous one.

Now, as the appointment of the workers' delegate was made from the most representative of the workmen's organizations, I suggest that the workers waive their objections which—no doubt unconsciously—have wronged a very respectable association, an association which holds a very important position in the history of the trade-union movement of Argentina. I urge them to withdraw their opposition, which really is not fully considered and which is not founded on evidence and completely ignores the evolution of the workers' movement in Argentina.

We have to bear in mind that this International Conference is the first one in which the power of delegates appointed by a sovereign Government is subject to review, according to article 389 of the peace treaty, but this power must be exercised with great tact and discretion so as not to wound very legitimate national sensibilities.

The rejection of the workers' delegate would injure a Government which has endeavored from the very outset to carry out the ideal of the League of Nations and the International Labor Organization, for the benefit, according to an expression used by the Argentine minister, Mr. Pueyrredon, of those masses of men who, though contributing by their work to the welfare of the community, have now only poverty and misery in store.



We agree with the decision of the majority so far as it recommends the approval of the powers of the delegate, Señor Balino; but we can not approve of all the reasons, because the power of this conference is limited to the acceptance or to the rejection of delegates, without the recommendation of regulations for the future in a manner quite irregular.

As I have shown you, the Government of Argentina think that they have honestly and faithfully interpreted the treaty, and the same spirit will guide them in the future; therefore, any innuendo such as that suggested by the majority, based on a protest, without evidence, would look like an unfair and uncalled for censure, especially at a moment when we begin, with grave difficulties and opposition, to frame the International Labor Organization.

We ask that the report of the majority be approved, without taking into consideration the suggestions and advice which have crept into this report. It is understood that these arguments do not refer to the statements made by Sir Malcolm Delevingne, who evidently has modified the wording of the report as written.

The PRESIDENT. The next speaker on the list is Mr. Americo Balino, Argentine workers' delegate, the delegate whose appointment is contested. The Chair is of the opinion that Mr. Balino is entitled to speak; if it is necessary to justify this opinion to this assembly, the Chair refers to the last paragraph of article 3 in the draft standing orders of the conference, a paragraph which has been retained in the final printed version. The paragraph which I shall quote reads as follows:

Any delegate or adviser to whose nomination objection has been taken retains the same rights as other delegates and advisers until the question of his admission shall have been finally decided.

Under the terms of this paragraph, there seems to be no doubt that Mr. Balino has a right to the floor, and I therefore recognize him.

Mr. BALINO (Argentina—remarks in Spanish). Will the delegates permit me to call the attention of the conference to a matter which is not of general interest? The conference has still to solve questions of the greatest importance, and I should not occupy its time with small matters, but if this happens, the fault is not mine. My appointment as delegate has been unjustly protested and I am under the moral obligation of defending it, because thereby I at the same time defend the dignity of the Argentine Government, the bona fide character of the association to which I belong, and my own personal dignity.

The protest is unjust and based on misinformation. The majority report is based on the argument that in reality the federation which has been quoted as the one from whose members the delegates should have been appointed, really has not 80,000 members, and it is not the most important in the country. The Regional Workers' Federation has not 20,000 regular members, and I invite the members of the International Federation of Labor who signed the protest and who are present at this conference at once to instigate an inquiry in order to determine in reality whether or not the Regional Workers' Federation has the number of members which it claims.

I want to make the whole argument more one of quality than of quantity. Even if you admit there are 20,000 members you should compare the achievements of the different associations and the achievements of the fraternity that I represent. La Fraternidad has secured very favorable economic conditions for its members and it has never in any way used its power to the detriment of national economic welfare.

I understand that Mr. Oudegeest lodges his protest in agreement with the Argentine Regional Workers' Federation, united, with the International Federation, of which Comrade Oudegeest is secretary, but on the other hand I do not understand how the dissent can be maintained without a reliable basis of information and without being strengthened by argument and convincing proofs.

I have not come here usurping the rights of anybody and much less the rights which the Argentine Regional Workers' Federation may have.

As a man of conscience, educated in a working class of severe moral standards I answer for the correctness of all my statements and consider myself therefore duly entitled to sit in this assembly, representing the workers of the Argentine Republic.

The PRESIDENT. Mr. Varela is recognized.

Dr. VARELA (Uruguay). I have a few remarks to make. I belong to a neighboring country to the Argentine Republic, one which is bound to her by the ties of history and by a common ideal. Everything which interests the Argentine Republic is worthy of consideration to my country. And yet I do not feel that I can say in the present case, if we examine the question from a technical standpoint, which of the labor organizations is the more representative. It has been shown that statistics overthrow statistics. We must therefore make our decision on higher grounds and recognize that the Argentine delegate was designated in good faith. For my part, I so believe, and this is my reason: At the present time the President of the Argentine Republic is the eminent statesman, Dr. Hipolito Irigoyen, who has always pursued a policy of progress and humanity. Nobody can make me believe that he would have thwarted the hope of the workers. For my part, I give my vote to the admission of Delegate Balino and I place full confidence in the perspicacity and the uprightness of the Argentine Government. [Applause.]

Mr. CRAWFORD (South Africa). I formally move the closure of debate unless some one else wants to speak.

The PRESIDENT. It seems to me, since no one has asked to be recognized, that the discussion is automatically closed, and that there is no need to invoke the closure.

No one having asked to be recognized, I shall entertain the motion of Mr. Crawford to adjourn—

Mr. OUDEGEEST (Netherlands). I ask to be recognized.

The PRESIDENT. You have the floor, since closure has not yet been declared.

A VOICE. You have already spoken.

The PRESIDENT. The objection is made that you have already spoken on the same subject.

Mr. MERTENS (Belgium). If Mr. Oudegeest is not allowed to speak, I ask to be recognized.

The PRESIDENT. Since there is a motion for closure, I think that the rules require me to ask whether it is seconded or not.

Mr. MERTENS (Belgium). I am opposed to a closure before giving Mr. Oudegeest, whose statements have been questioned, an opportunity to reply to the arguments presented by the delegate from Argentina.

The PRESIDENT. I shall request the assembly to allow the gentleman to speak.

Dr. VARELA (Uruguay). I think that we ought first to withdraw the motion for closure; the rules are absolute on the subject.

Mr. CRAWFORD (South Africa). I am willing to give the speaker the opportunity to speak, and I therefore withdraw my motion for that reason.

Mr. OUDEGEEST (Netherlands—remarks in Dutch). I do not wish to take up the arguments of the different speakers in favor of the chosen representative of the workers from Argentina. I do not consider that I am in the position of a judge and also of a prosecutor. I am more than ever confirmed in my opinion after hearing the statistics quoted by the Government representatives. If the 20,000 is a small drop of water in a large river or a large sea of Argentine workers, 15,000 is still less. According to the information given by the representative of the workers of Argentina at the conference, the fact that they never engaged in revolutionary activities was a great argument in their favor, but that is probably the reason the Government of Argentina chose them, considering them the best behaved of the lot. Also the delegate from the workers mentions the seamen's union, but the union which we represent also represents the federation of seamen, and also represents the different organizations in Argentina, whereas Mr. Balino only represents one, and therefore



for these reasons we propose that this conference refuse admission to the delegate appointed by the Government.

The PRESIDENT. Is the request for closure repeated? Does anybody oppose closure?

Nobody opposing it, it is carried. Now we shall proceed to take a vote on the amendment according to the custom which has already been observed in this assembly; but first I desire to state that the vote which we are going to take is provided for in article 389 of the peace treaty, the last paragraph of which reads as follows:

The credentials of delegates and their advisers shall be subject to scrutiny by the conference, which may, by two-thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this article.

It is therefore proper to take a record vote. That is, furthermore, provided for in article 15 of our standing orders, which read:

A record vote shall be taken in all cases in which a majority of two-thirds of the votes is required by the convention.

A majority of two-thirds of the votes cast being required by article 389 of the peace treaty, it is proper according to our standing orders to take a record vote.

According to the precedent to which I referred just now, we have before us two reports, one presented by the majority and the other by the minority. The second may be considered as was done in the case of the discussion which took place on the report of Mr. Barnes, after which we voted on the report of Mr. Newton W. Rowell. With this precedent, we ought to vote on the minority report. Is everybody agreed on this point? As there is no opposition, we shall proceed in that case to a record vote by calling the roll. All those in favor of the minority report will so indicate.

The SECRETARY GENERAL. I propose to read out the names, taking each country in alphabetical order. Those who are in favor of Mr. Oudegeest's motion will say "yes"; those against it will say "no."

[The result of the roll call was as follows:]

#### YES—25.

|   |   |
|---|---|
| Belgium:<br>Mr. Corneille Mertens.  | Netherlands:<br>Mr. J. Oudegeest.   |
| Canada:<br>Mr. P. M. Draper.  | Norway:<br>Judge I. M. Lund.<br>Mr. J. Teigen (substitute for Mr. Ole Lian).                        |
| Denmark:<br>Mr. S. Neumann.<br>Mr. C. V. Bramsnaes.<br>Mr. C. F. Madsen.    | Panama:<br>Mr. Federico Calvo.  |
| Finland:<br>Mr. Matti Paassivuori.  | Peru:<br>Mr. Carlos Prevost.<br>Mr. Victor A. Pujazon.  |
| France:<br>Mr. Léon Jouhaux.  | Portugal:<br>Mr. Alfredo Franco.  |
| Great Britain:<br>Mr. G. H. Stuart-Bunning.                                 | South Africa:<br>Mr. Archibald Crawford.  |
| Greece:<br>Mr. Timoleon Lamprinopoulos.                                     | Spain:<br>Mr. Francisco Largo Caballero.  |
| Guatemala:<br>Mr. Manuel Moreno.  | Sweden:<br>Judge A. Erik M. Sjöborg.<br>Senator R. G. Halfred von Koch.<br>Mr. A. Herman Lindqvist. |
| Italy:<br>Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cabrini). | Switzerland:<br>Mr. Conrad Hg.  |
| Japan:<br>Mr. Uhei Masumoto.  |   |

#### NO—44.

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| Argentina:<br>Dr. Leonidas Anastasi.<br>Dr. Felipe Espil.  | Cuba:<br>Mr. Carlos Armenteros.<br>Mr. Francisco Carrera Justiz.           |
| Belgium:<br>Mr. Armand Julin (substitute for Mr. Michel Lévie).<br>Mr. Ernest Mahaim.                                  | Czecho-Slovakia:<br>Mr. Ferdinand Stastny (substitute for Mr. R. Tayerle). |
| Canada:<br>Mr. Gerald Brown (substitute for Hon. Gideon D. Robertson).<br>Hon. Newton W. Rowell.<br>Mr. S. R. Parsons. | Denmark:<br>Mr. H. Vestesen.   |
|  | Ecuador:<br>Dr. Don Rafael H. Elizalde.                                    |
|  | Finland:<br>Judge Niilo A. Mannio.<br>Mr. Robert Lavonius.                 |

|  |   |
|--|---|
| France:<br>Mr. Louis Guérin.   | Paraguay:<br>Dr. Manuel Gondra<br>Mr. Arturo Campos.  |
| Great Britain:<br>Right Hon. G. N. Barnes, M. P.<br>Sir Malcolm Delevingne.<br>Mr. D. S. Marjoribanks. | Poland:<br>Mr. Jozef Rymer.<br>Mr. Jastrzebowski (substitute for Mr. Jan Zagleniczny).<br>Mr. Edmund Bernatowicz. |
| Greece:<br>Mr. John Sofianopoulos.<br>Mr. Angelus Skinzopoulos.<br>Mr. Eugene Cantacuzène.             | Portugal:<br>Mr. José Barbosa.<br>Mr. Alvaro de Lacerda.  |
| India:<br>Mr. Louis James Kershaw.   | Roumania:<br>Mr. Gregoire Michaelesco.  |
| Japan:<br>Mr. Eikichi Kamada.<br>Dr. Minoru Oka.<br>Mr. Sanji Muto.                                    | South Africa:<br>Mr. H. Warington Smyth.  |
| Netherlands:<br>Mgr. W. H. Nolens.<br>Mr. G. J. van Thienen.<br>Mr. J. A. E. Verkade.                  | Spain:<br>Mr. Alfonso Sala.   |
| Nicaragua:<br>Señor Don Ramon Enríquez.  | Sweden:<br>Senator Hjalmar von Sydow.   |
| Norway:<br>Judge Johan Castberg.   | Switzerland:<br>Dr. Hans Sulzer.<br>Dr. Hermann Rufenacht.  |
|  | Uruguay:<br>Dr. Jacobo Varela.  |

Mr. STASTNY (Czecho-Slovakia). The representative of Czecho-Slovakia, Mr. Tayerle, is absent, but I am here in his place, and I wish to call the secretary's attention to the fact that my name was not called. I vote "No" on the question.

The SECRETARY GENERAL. For the motion, 25; against, 44.

The PRESIDENT. We shall now vote on the report of Sir Malcolm Delevingne. Taking into consideration the fact that it is no longer a question of refusal of admission, but merely of the number of votes given to Sir Malcolm Delevingne's report, I think that a record vote is unnecessary.

Mr. ILG (Switzerland). I suggest that the vote be taken by show of the hand.

The PRESIDENT. All those in favor of the report of Sir Malcolm Delevingne please raise their right hands.

[Votes counted.]

The report of Sir Malcolm Delevingne is adopted by 54 votes against 17.

Now, gentlemen, inasmuch as our program is finished, I think that we can adjourn. I must remind you that the next session is Monday at half-past 2. I wish also to remind the Government delegates that they were requested this morning to meet here at this time. They should not leave the room at this time.

[Meeting adjourned to Monday, November 24, at half-past 2.]

The following delegates were present:

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| Argentina:<br>Dr. Leonidas Anastasi.<br>Dr. Felipe Espil.<br>Mr. Hermenegildo Pini.<br>Mr. Americo Balino.  | Cuba—Concluded.<br>Mr. Luis Rosainz y de los Reyes.  |
| Belgium:<br>Mr. A. Julin (substitute for Mr. Michel Lévie).<br>Mr. Ernest Mahaim.<br>Mr. Corneille Mertens.   | Czecho-Slovakia:<br>Mr. Charles Spinka.<br>Mr. F. Hodacz.<br>Mr. Ferdinand Stastny (substitute for Mr. R. Tayerle).  |
| Canada:<br>Mr. Gerald Brown (substitute for Hon. Gideon D. Robertson).<br>Hon. Newton W. Rowell.<br>Mr. E. Blake Robertson (substitute for Mr. S. R. Parsons).<br>Mr. P. M. Draper. | Denmark:<br>Mr. S. Neumann.<br>Mr. C. V. Bramsnaes.<br>Mr. H. Vestesen.<br>Mr. C. F. Madsen.   |
| Chile:<br>Mr. Gustavo Munizaga Varela.<br>Mr. F. N. del Rio.  | Ecuador:<br>Dr. Don Rafael H. Elizalde.<br>Dr. Don Juan Cueva Garcia.  |
| China:<br>Mr. Lingoh Wang.  | Finland:<br>Judge Niilo A. Mannio.<br>Mr. Robert Lavonius.<br>Mr. Matti Paassivuori.   |
| Cuba:<br>Mr. Luis Marino Perez (substitute for Mr. Carlos Armenteros y Cardenas).<br>Mr. Francisco Carrera Justiz.  | France:<br>Mr. Tony Raymond (substitute for Mr. Arthur Fontaine).<br>Mr. Max Lazard.<br>Mr. P. Collinet (substitute for Mr. Louis Guérin).<br>Mr. G. Dumoulin (substitute for Mr. Léon Jouhaux). |



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| Great Britain:   | Italy—Continued.   | Panama:   | Serbs, Croats, and Slovenes:    |
| Mr. J. F. G. Price (substitute for Right Hon. G. N. Barnes).     | Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cabrini, M. P.). | Mr. Federico Calvo.                                     | Dr. Slavko Y. Grouitch.         |
| Sir Malcolm Delevingne.  | Comm. E. Baroni.   | Paraguay:   | Dr. Ludevit Peritch.            |
| Dr. S. Miall (substitute for Mr. D. S. Marjoribanks).            | Mr. Gino Baldesi.  | Mr. Arturo Campos.                                      | Siam:                           |
| Mr. C. W. Bowerman (substitute for Mr. G. H. Stuart-Bunning).    | Japan:   | Dr. Manuel Gondra.                                      | Phya Prabha Karavongse.         |
| Greece:  | Dr. K. Kiga (substitute for Mr. Eikichi Kamada).                         | Persia:   | South Africa:                   |
| Mr. John Sofianopoulos.  | Dr. T. Uyeda (substitute for Dr. Minoru Oka).                            | Mirza Abdul Ali Khan.                                   | Mr. H. Warrington Smyth.        |
| Mr. Angelus Skinzopoulos.  | Dr. R. Godai (substitute for Mr. Sanji Muto).                            | Mirza Ali Asghar Khan.                                  | Mr. William Gemmill.            |
| Mr. Eugene Cantacuzène.  | Mr. Ubei Masumoto.   | Peru:   | Mr. Archibald Crawford.         |
| Mr. Timoleon Lamprinopoulos.                                     | Netherlands:   | Mr. Carlos Prevost.                                     | Spain:                          |
| Guatemala:   | Mgr. W. H. Nolens.   | Mr. Victor A. Pujazon.                                  | Viscount de Eza.                |
| Mr. Francisco Sanchez Latour.                                    | Mr. G. J. van Thienen.   | Poland:   | Mr. Adolfo Gonzalez Posada.     |
| Dr. Ramon Bengoechea.  | Mr. J. A. E. Verkade.  | Mr. Franciszek Sokal.                                   | Mr. Alfonso Sala.               |
| Mr. Alfredo Palomo Rodriguez.                                    | Mr. J. Oudegeest.  | Mr. Jozef Rymer.  | Mr. Francisco Largo Caballero.  |
| Mr. Manuel Moreno.   | Nicaragua:   | Mr. Jastrzebowski (substitute for Mr. Jan Zagleniczny). | Sweden:                         |
| India:   | Señor Don Ramon Enriquez.  | Mr. Edmund Bernatowicz.                                 | Judge A. Erik M. Sjöborg.       |
| Mr. Louis James Kershaw.   | Norway:  | Portugal:   | Senator R. G. Halfred von Koch. |
| Mr. J. D. F. Engel (substitute for Mr. Atul Chandra Chatterjee). | Judge Johan Castberg.  | Mr. Alvaro de Lacerda.                                  | Senator Hjalmar von Sydow.      |
| Mr. Alexander Robertson Murray.                                  | Judge I. M. Lund.  | Mr. José Barbosa.                                       | Mr. A. Herman Lindqvist.        |
| Mr. Narayan Malhar Joshi.  | Mr. G. Paus.   | Mr. Alfredo Franco.                                     | Switzerland:                    |
| Italy:   | Mr. J. Teigen (substitute for Ole Lian).                                 | Roumania:   | Dr. Hans Sulzer.                |
| Baron Mayor des Planches.  |  | Mr. C. Orghidan.  | Dr. Hermann Rufenacht.          |
|  |  | Mr. Gregoire Michaesco.                                 | Mr. Conrad Ilg.                 |
|  |  |   | Uruguay:                        |
|  |  |   | Dr. Jacobo Varela.              |

## SEVENTEENTH SESSION—MONDAY, NOVEMBER 24, 1919,

The conference convened at 2.30 o'clock p. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. The secretary will make announcements.

The SECRETARY GENERAL. A telegram has been received from the minister of state of Luxemburg, asking that Luxemburg be admitted to the conference. The committee of selection thought it unnecessary to refer this telegram to the committee which considered applications for admission, and recommends to the conference that Luxemburg be admitted on the same terms as Finland.

The PRESIDENT. The question is, Shall the recommendation of the committee that Luxemburg be admitted on the same terms as Finland be agreed to?

As many as favor agreeing to the report of the committee will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands.

The report is agreed to unanimously.

The next order of business is the report of the commission on hours of labor.

Mr. Fontaine is recognized on behalf of the commission.

Mr. FONTAINE (France). Mr. President, ladies and gentlemen, general discussion of the question of the 8-hour day and the 48-hour week has already taken place in this assembly—indeed it has extended over several meetings. Views held by the different groups in this assembly have been expressed in the course of the debate, and I am of the opinion that it is quite unnecessary for the discussion to be resumed. You have simply detailed the commission to examine the amendments, compare them with the organizing committee's text, and, wherever the amendments are adopted, to rectify the text of the organizing committee, and finally to submit the new text to the conference.

We have accomplished this task of adjustment and conciliation, and the report shows in connection with each article just what we have understood it to mean and how we have framed it. The commission will be satisfied with whatever arrangements the conference makes for the discussion of each article, and at the same time for the giving of an explanation of the opinions which inspired it.

A single general statement might be made to advantage at the outset of this discussion of the various articles—a statement about the

spirit which has inspired the commission in the work which it has carried on. It was the wish of the commission to declare quite positively for the principle of the 8-hour day and of the 48-hour week. The commission therefore made the text so accurate and so precise as to establish this principle beyond all doubt. That accomplished, it did not refuse to consider any exceptions that might be necessary, either permanently, owing to the nature of certain work, or temporarily, when the convention should be first put into force.

The commission did not find itself in a position to specify all such exceptions, nor to come to a decision with regard to all the schedules of exceptions submitted. The commission did not believe that it could assume the responsibility for such schedules. It was of the opinion, therefore, that other methods should be sought for the establishment of guaranties which could not be established by means of schedules. It also felt that at first the convention should be left as flexible as possible in order to obviate false starts. In order to prevent abuses, however, the commission relies on three means of control: First, control by workers' and employers' organizations, which are sometimes consulted for advice and sometimes for their agreement to certain specifications and exceptions. Next, it relies on the control exercised by the International Labor Office; all exceptions in actual practice shall be reported to this office, which will have charge of seeing that such exceptions are in harmony with the spirit of the convention, and, when necessary, of proposing to subsequent conferences any additions to the text which it may consider necessary. Finally, there are legal measures, i. e., control by each Government, which shall see to it that both the spirit and the letter of the convention are obeyed. We hope that the text which we are submitting, the result of mutual concessions and discussions, will receive the sanction of the conference and that it will be almost unanimously approved. The draft which we are submitting is, we think, a good start for the 8-hour day, and opens the way toward real progress.

The PRESIDENT. You are through, Mr. Fontaine?

Mr. FONTAINE (France). Yes; I have finished.

The PRESIDENT. Mr. Parsons, of the Canadian delegation.

Mr. PARSONS (Canada). I beg to make a short statement on behalf of myself and those whom I represent—the Canadian employers—in connection with the report which is now before the conference; and I may say I will hand a copy of this to the translator



afterwards so that he can read it in full. In speaking for Canadian employers, many of whom have been consulted since this conference was in session, I beg to state as follows:

1. While in many industries the eight-hour day is already in operation, especially in the building trades and in manufacturing, where the work is laborious, yet the general application of the shorter working day would, according to actual experience, greatly lessen total production.

2. At the present time, when the Government of the country is calling upon manufacturers to increase their output and exports in order to meet heavy national obligations, nothing should be done which would tend to hinder them in their efforts.

3. Only by increased production can the cost of living be reduced to all classes. To ignore this fundamental truth is to blind our eyes to actual facts.

4. While having regard to world-wide interests, it must be remembered that Canada is a young and undeveloped country. To attempt to put her upon the same footing as old world countries with entirely different conditions is like placing a young and vigorous giant on the same footing as a man advanced in life.

Mr. FONTAINE (France). It is he who is the vigorous giant, not we.

Mr. PARSONS (Canada). We should have the opportunity of living our own life and managing our own affairs to suit our circumstances. If we can achieve more than others as a nation it is surely not only our privilege but our duty to do so. Why should our national life and development be dwarfed. An ancient philosopher has well said, "That which is not good for the beehive can not be good for the bee." Compulsory reduction of hours militates against the establishment of new and small industries, and, if the workman is to be hampered in his effort to rise, a serious blow is struck at the national life of a young and rapidly developing country.

5. An attempt was made in the eight-hour day committee of this conference to include in the draft convention all purely commercial undertakings, such as wholesale and retail stores, banks, etc. This proposition did not carry a majority in favor of it but will be considered again at a later conference. It has also been announced that agriculture has been included in the program of some countries proposing to come under this legislation. Evidently what is aimed at ultimately is an attempt to drive all the workers of the world like a flock of sheep into the eight-hour pen, regardless of the world's requirements. It is not suggested for a moment that the general acceptance of the eight-hour day will settle now or permanently our social and industrial problems, including hours of work.

6. Under the proposed legislation Governments will be called upon to deal with economic questions to a much greater extent than ever before. It is quite conceivable that influences are likely to be brought to bear upon politicians from one direction or another in connection with such legislation and the administration thereof which would not make for national soundness or prosperity. There is much truth in the statement "that government is best which governs least."

7. Employers of Canada, representing all employing classes, at a national industrial conference in the city of Ottawa in September last, considered this question and agreed unanimously to a resolution calling upon the Government to appoint a commission on which employers and employees should be represented to study the possible application of the eight-hour day to all branches of industry. If it can be demonstrated after such study that the eight-hour day is sound economically, as applied to Canada, and in the interest of all classes, including the workers, I feel safe in saying that the manufacturers—and I believe also the employers generally—will be glad to cooperate in bringing it into being. Meantime I have no option but to oppose the legislation as per draft convention before this conference.

8. It is generally recognized that, unless the United States accepts similar legislation, it would be placing an unfair burden upon Canadian employers, and the country at large, to be bound by the terms of the proposed convention.

Mr. President, in view of the fact that through a misunderstanding I was not present at the session of the committee of 15 which considered this proposal and finally passed the draft, I think such a statement is opportune and should now be put on the records of the conference.

The PRESIDENT. Mr. Barnes, of Great Britain, is recognized.

Mr. BARNES (Great Britain). Mr. President, I do not want to make a speech, but rise in order to make an earnest appeal to the meeting not to reenter that region which I thought we had left for good when we remitted this matter to a committee. I sincerely regret that Mr. Parsons has found it necessary to begin a discussion—which I hope we shall not continue—upon the advisability or otherwise of an 8-hour day or a 48-hour week. Might I remind Mr. Parsons that all the signatories to the peace treaty have pledged themselves to certain things. If you will look at chapter 13 of the peace treaty you will find nine general principles laid down, and one of those nine general principles is that an 8-hour day and a 48-hour week should be adopted by all the signatory countries in so far as it had not then been adopted. Therefore, I submit, Mr. Chairman, that we have met together here more or less pledged to take what practical steps we can toward the application of that principle.

Might I remind you of what we did when we first considered the eight-hour principle on this floor? We discussed it for a week; we had these arguments about an eight-hour day not being applicable in consequence of the war's ravages; we had all the arguments in regard to the relative position of Canada as compared with the United States; and after hearing all those arguments, we remitted the whole question to a commission to draw up a draft—not to consider the applicability of an eight-hour day in Canada or anywhere else, but to draw up a draft—applying in a practical way, so far as that commission could so apply it, the principle of the 8-hour day and the 48-hour week.

Now, Mr. Chairman, so far as I can see the position, we have that draft submitted to us. The way we can best use our time, it seems to me, is to discuss the terms of the draft. If there are any delegates who disagree with any particular provision inserted in that draft, it would be best rather to discuss that practical objection than to go back to these general principles which, I suggest, were worn threadbare during the week's discussion we had before.

I do not overlook the fact that Mr. Parsons in Canada may be in a peculiar position. I am not saying whether that is so or not, but may I remind Mr. Parsons that we are not now discussing imposing upon Canada this draft of an eight-hour day. We have simply examined the question of an eight-hour day in all its practical aspects and have drawn up a draft convention embodying, as we think, the largest possible amount of agreement and what is likely to be accepted by all the nations; but even after we have discussed it and possibly amended it—and here may I say that Mr. Parsons is somewhat premature, because it might be amended in the direction that he desires—but even after we have discussed it it is still open, by the terms of the peace treaty, for Canada or any other country here represented to reject it. All that they are in honor bound to do is to put it to their competent authority and that competent authority is quite free, according to the terms of the peace treaty—and we can not take that right away from them—to reject the whole thing if it thinks proper.

Therefore, I would suggest that, instead of discussing the general principle, we now proceed to discuss the draft submitted to us; after that, if any delegate is not satisfied with the condition in which it emerges it will be his right, and I suppose his duty, to advise the competent authority, after he gets home, to exercise the rights reserved.

The PRESIDENT. The Chair desires to call the attention of the conference to the fact that on November 10 the conference, by a vote of 64 to 19, closed the general debate on the eight-hour question. It is the Chair's opinion that the procedure now would be to take up the consideration of the proposed draft, clause by clause, for purposes of amendment.

Without objection, clause 1 is before the conference for consideration and amendment. Mr. H. Warington Smyth, of South Africa.



Mr. SMYTH (South Africa). Mr. President, I want to suggest that in subclause (d), line 4, after the word "sea," there should be inserted the words, "and on inland waterways." The object of the amendment, Mr. President, is to include navigation on inland waterways in the reference to the special commission which is to investigate the application of the eight-hour principle to navigation at sea. I make this suggestion, sir, for the reason that navigation on inland waterways is subject to the same limitations and conditions, technically, as is navigation at sea. Large sections of the population of England, of Norway and of Sweden, of Holland, and of the countries of Central Europe are engaged in inland navigation. The same fact is true also of a large part of the population of Asia. In India, China, and Siam, to mention only three great countries, there is a vast amount of river navigation being carried on under conditions in which the family form the crew of the vessel in which they travel.

The same is also true of Japan, but in Japan these conditions prevail in regard to tidal waters, and therefore they might be included in the word "sea"; but in the other countries of which I speak a large amount of this navigation is in fresh water, and, although not strictly and always limited by questions of tide, is limited by questions of water and the rise and fall of waters due to natural causes. Under those circumstances, Mr. President, I suggest that navigation of inland waterways stands in the same place as navigation at sea, with this additional fact, that in most cases, in a very large number of cases, the crews do not consist merely of paid hands in the ordinary sense, but are very often whole families, and that the strict application of the principle of 8 hours employment during the 24 hours to people traveling and navigating their vessels under those conditions would be absurd.

I suggest, sir, therefore, that this commission should have the duty of going into this question, which is a very difficult and intricate one, and that at the same time they inquire into sea navigation they should inquire also into inland navigation. My amendment is that after the word "sea," in line 4, subparagraph (d), the words "and on inland waterways" should be inserted. The clause will then read:

The provisions relative to transport by sea and on inland waterways shall be determined by a special conference.

The PRESIDENT. Mr. Fontaine.

Mr. FONTAINE (France). The commission examined the point raised by our colleague, and were of the opinion that labor conditions for maritime transport alone would need to be referred to a special conference. It approved the eight-hour principle for maritime transport, and referred to the special conference provisions relative to the enforcement of the principle. The commission decided that the question of inland navigation should not be referred to this special conference.

I can not subscribe to the statement that inland navigation involves the same problems as maritime navigation. There is this essential difference between maritime and inland navigation: In maritime navigation the sailor embarks for many days, weeks, months, on a boat which he does not leave and which he can not leave. For this reason the majority of the provisions we have drawn up can not be applied in his case, or can be applied only with difficulty. A fresh study of the question should therefore be made, new definitions worked out, and new provisions drawn up. The circumstances are not the same in inland navigation. Sailors in inland navigation do not embark on long voyages; they touch land every day. The problems which arise with respect to them are closely analogous to those which arise in the case of railway employees.

We have included in our draft very wide and exceedingly elastic regulations. If they are closely examined, it may be seen that they cover the case of inland navigation. Thus I consider that inland navigation may, without any inconvenience, be included in the terms of our draft if we take into account the conditions which the commission has established in this text, conditions providing for agreement between employers and workers, conditions in

which provision was made for exceptions, conditions which are exceedingly elastic, enabling the number of hours of daily labor to be adjusted with due regard for the periods of travel necessary to reach a given point.

Mr. ROWELL (Canada). Mr. Chairman, I rise to make one or two observations on the proposal made by the representative of the Government of South Africa, but before doing so I hope I may have the permission of the conference to say a word or two as to the position of the Government of Canada, because I fear the position of Canada may be misunderstood because of the remarks Mr. Parsons has made.

The PRESIDENT. Would the representative from Canada just indulge the Chair a minute before he proceeds, in order that a parliamentary situation may be straightened out? Mr. Warrington Smyth has moved an amendment. Thus far there has been no second to the amendment. Is it the desire of the conference that amendments shall be considered by the conference when proposed, whether they are seconded or not?

Mr. CRAWFORD (South Africa). I move to that effect, Mr. Chairman.

Mr. SHAW (Great Britain). I move that a second must be had to every motion or amendment. That is the only way, Mr. Chairman, I suggest, that we can prevent a man with a bee in his bonnet from holding up the whole conference.

Mr. MOORE (substitute for Mr. Draper of Canada). I second the motion of Mr. Shaw on the ground that if there are not sufficient people favoring to find one who is willing to second a motion or an amendment, the time of the conference certainly should not be taken up in discussing it. So I second Mr. Shaw's motion.

The PRESIDENT. It has been moved and seconded that motions and amendments shall require a second before being considered by the conference. Are you ready for the question? As many as favor that motion will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed raise their right hands.

[Votes counted.]

The motion is agreed to.

Mr. ROWELL (Canada). Is the motion seconded, Mr. President?

The PRESIDENT. The motion has not been seconded.

Mr. CRAWFORD (South Africa). I second the motion.

The PRESIDENT. The motion has been seconded and Mr. Rowell is recognized.

Mr. ROWELL (Canada). I desire to discuss this clause from the standpoint of one who will, as a representative of the Government of Canada, vote for the convention.

Mr. Parsons has very properly presented the views of the employers, but in the last analysis the Governments in the different countries concerned must determine what the policy of the country shall be, and my colleague and I, representing the Government of Canada, intend voting for this convention.

There are, however, some suggestions which we may wish to make in reference to the form of some of the sections; this we shall do when they come up for consideration.

I wish to say further, Mr. President, that while we appreciate the difficulties—and this section raises some of them—of the United States possibly adopting one policy and Canada adopting another in reference to this convention, I desire to make our position clear—that the action of the Government of Canada in dealing with these matters does not depend on the action of the Government of the United States. It has not in the past. It will not in the future. It will be a consideration, undoubtedly, which any Government must take into account.

The Parliament of Canada has already approved the treaty containing the labor clauses and the covenant of the League of Nations. We believe the covenant of the League of Nations and the labor clauses constitute two of the most important and vital features of the whole treaty. The Parliament of Canada having approved of



the League of Nations and the labor clauses, the Government of Canada will carry out, in spirit as well as in letter, the obligations it has assumed under the treaty. I desire to make that position clear, because I notice in the press of this city and elsewhere that it has been assumed that Canada would not take any action unless the United States took action also.

Having made our position clear, I desire to turn to the section of the convention under consideration; and might I suggest to the chairman of the commission and to the president that we would make greater progress if we took up the section clause by clause, because there may be suggestions or amendments to the different subclauses, and it would only be confusing to deal with them in irregular order. When this amendment is disposed of, I desire to offer a suggestion as to the form of one of the clauses appearing earlier in the article than the one suggested by Mr. Smyth, although it relates to the same matter.

I should like to point out to the reporter of the commission that while what he has said is undoubtedly true of France and certain continental countries, his references to inland navigation would have no application to the conditions prevailing in Canada or those prevailing in the United States. I am now referring to the great waterway—that is, the St. Lawrence River and the Great Lakes—which forms in part the international boundary between the two countries. The reporter of the commission referred to the possibility of the sailors getting home every night. Well, I believe we have a navigable waterway from the mouth of the St. Lawrence River to Fort William of not less than 2,000 miles in length. While the existing canals do not permit of ocean navigation right up to the head of the Great Lakes, it is contemplated that those canals should be so deepened as to make possible ocean navigation up to the head of the Great Lakes in the interior of Canada. When that is done we will have ocean-going vessels sailing 2,000 miles inland from the seacoast to the heart of the country.

What applies to Canada applies equally to the United States, because these Great Lakes constitute part of our international boundary. We have in some of our Great Lakes bodies of water (and I say this without boasting) in which you could put whole European countries and still have considerable room for navigating around their shores. These are great bodies of water, and I say with all respect that the conditions which prevail in the canals and in the navigation of the canals in the older and better settled portions of Europe have no application to conditions of navigation on our great inland waterways. Therefore, I support the amendment that the question of inland navigation should be considered at the same time sea navigation is considered. I submit that the question of the position of the seamen navigating the great inland waters of this continent—the lakes and rivers—should be investigated and considered along with the position of those engaged in ocean transportation by the special conference which it is suggested should consider the matter. I urge this for the further reason, Mr. President, that when the agenda was submitted to the different Governments concerned, it was expressly intimated in some of the communications received that the questions of seamen and navigation would be dealt with by a special conference. We have not come prepared to pass on this question at this conference. We do not believe it properly came before this conference for consideration. I hope the conference will see the force of the considerations I have urged and will meet the condition as it exists in Canada and other countries. I assume it exists in South Africa. My friend, Mr. Warrington-Smyth, has referred to it there. I know it exists in the United States and Canada, and therefore this clause should be amended so as to make clear that the whole question will be deferred to the future when a conference or commission is called upon to consider the matter.

The PRESIDENT. Mr. von Koch, of Sweden, is recognized.

Senator VON KOCH (Sweden). Mr. President, I rise to support the amendment by Mr. Smyth from South Africa, but before doing this I want to say just a few words, with your permission, about the committee's report in general. It is with great pleasure that I

express herewith, on behalf of the Swedish Government delegates, the satisfaction we feel in seeing that the committee succeeded, in principle at least, in reaching an agreement with regard to the eight-hour day. Never before has a social question of such importance and so difficult to solve been presented for universal solution. When, nevertheless, the committee has on the whole attained such concrete results, this gives evidence of an honest and keen desire for reform. It appears to me, Mr. President, that this is an indication of good future results within the labor organization.

On the other hand, I can not refrain from calling attention to the fact that the proposal of the committee is apt to create serious doubts in some respects. This does not apply to the most vital of the questions, namely, the regulation of the time of work per day or per week, where the committee has reached results closely resembling the present Swedish law, which law I had an opportunity to recommend during the preliminary general debate on this question. On the very important question of the scope of the law, the committee seems to have reached a somewhat more satisfactory solution than the proposal made by the organizing committee. Nevertheless, several difficulties still appear, especially for those countries which, like Sweden, already have a law of this kind. Of these difficulties I desire at the present moment to emphasize the proposal that the question of seamen and navigation be included in the convention.

Purely from the point of view of principle, I wish to state that the question of regulating the time of work at sea has not been dealt with by the organizing committee or been the subject of preparatory investigation; that it was not included in the agenda of the conference. The majority of the delegates from the countries here represented do not have special experts who can deal with the subject. This circumstance speaks very strongly against taking, at this time, a definite stand in a matter where so much is involved. It should also be remembered that the majority of the countries which have already regulated the time of work in industries have not up to this time enacted similar navigation laws. In Sweden, however, we dealt with the question of navigation and work within industries at the same time, but this was done by the enactment of two separate laws. Conditions show clearly that industries and navigation are of such a different nature that an effective, and at the same time practical, solution for both could not be had along the same lines. This was unanimously agreed upon by representatives in the different committees while the question was up for debate in Parliament. It was found necessary to make special provisions for inland navigation and coastwise traffic with regard to the time of work in these occupations in the enactment of the Swedish law dealing with seamen and navigation, on account of the fact that inland navigation and coastwise traffic are extremely important in Sweden, and as you have heard now also in other countries. I don't think it would be wise to ignore the experience gained by us while endeavoring to plan in a satisfactory way the working time on sea as compared with the working time in the industries. It also seems as if the committee's proposal with regard to this question is not quite clear.

For instance, should this law apply to the large number of small vessels which in Sweden and many other countries ply regularly on the canals and along the coasts? Is traffic on waters, partly or wholly protected by islands, to be considered as sea or inland navigation? And, further, will the rules and regulations drawn up by the committee with regard to navigation and referring to industrial undertakings be binding as a convention for transport by sea?

Is it, Mr. President, I ask, the intention of the committee that fishing boats, as long as the crew does not consist of members of one family only, should come under the regulations governing industrial transportation because these boats carry fishing equipment and fish?

In this latter connection I beg to point out that we have on the coast as well as on rivers and large lakes many thousands of small fishing vessels not driven by power the crews of which consist of persons from different families. It very often happens that one fisherman has a person in his employ or that two fishermen own



together a boat and fishing paraphernalia and ply their trade together. In the latter case both of these men would in fact be employers and, as they do not belong to the same family, their work would come under the rules of the convention governing definite industrial undertakings.

The regulation of the time of work would thus be applied to the greater part of these vessels not driven by power, whether the fisherman employed help, or plied his trade together with, another fisherman. These fishermen, as a rule, go out at night, put out their nets and other paraphernalia, then watch them all night and take them in in the morning. This alone keeps the fisherman occupied more than eight hours, and still to this must be added the time required to take care of the fishing equipment and put the fishing material in order. I think it is unnecessary to explain in further detail how difficult it would be to apply the proposed law to these branches of navigation, or to supervise the enforcement of such a law.

Furthermore, I want to call your attention, in a few words, to the many small vessels that are used in regular inland navigation. The proposed rules would necessitate an extensive increase in the crew, and, in connection with this, extensive alteration in the interior of the vessels, so as to accommodate the larger crew. There is, I think, the further difficulty of having these alterations finished by July 1, 1921, which is the date the convention should go into effect.

I confine myself to these remarks with regard to the proposal to include navigation in the convention to limit the hours of work. It seems clear to me that inland navigation has much more intimate connection with other navigation than with industries. When it is now decided to take up the question of the time of work at sea in a special conference, it seems to me that it would be natural to decide in that conference also the question of inland navigation.

In accordance with this point of view, the Swedish Government delegates and one of the Finnish Government delegates have worked out an amendment. We did it because we thought it essential that all decisions at this conference should be of such a character as to convey universal approval and be enforced everywhere, but, since Mr. Smyth has moved an amendment somewhat in the same direction, I beg to state now that we shall support Mr. Smyth's amendment.

The PRESIDENT. Is there any further discussion of the amendment?

Mr. Shaw is recognized.

Mr. SHAW (Great Britain). I want to ask Mr. Warrington Smyth to withdraw his amendment, because I do not think it is at all necessary. If he is of the opinion that a 48-hour week ought to be the lot of seamen, whether inland or ocean going, then there are clauses in the convention that will quite clearly meet all he wishes. But may I respectfully point out to him that the countries he mentioned specially as examples—India, China, and Japan—are not dealt with at all in the present convention, but form the subject of a special commission.

If there be trade of any kind, whether inland waterway or other, which by its very nature does not permit of the rigid application of an eight-hour day, that trade can be dealt with under these clauses and arrangements made, provided everybody understands that 48 hours a week over a period is the idea. And if it be taken for granted that what is wanted is elasticity so that these trades can work a greater number of hours per day or per week, on the understanding that 48 is the average, then clause 5 gives everything Mr. Warrington Smyth desires. It gives the power, in exceptional cases where it is recognized that the provisions of article 2 can not apply, for agreements to be made with the sanction of the Government, providing that over a space of time determined by the agreements 48 shall be the average number of hours per week. So that if what Mr. Warrington Smyth desires is simply an arrangement of the hours to meet special circumstances, clause 5 gives it to him. But if he means that these men ought to work longer on the average than 48 hours, then clause 5 does not give it to him. That is the difference that may exist between his point of view and mine.

There are a number of different types of inland waterways. There

is the inland sea spoken of by the Canadian delegate. But clause 5 provides for that. But if the Canadians desire to apply the clauses of a special convention arranged by men definitely dealing with maritime law, then I do not think anybody would object to applying conditions which are likely to be better on the whole than the conditions laid down in this convention. But I do appeal for a clear declaration from the mover of the amendment as to whether or not he means more than 48 hours, for the inland waterway people. If he means no more than 48 hours, clause 5 will cover it. If he means more, then I must vote in favor of the clause as it stands and in favor of the 48 hours per week.

The PRESIDENT. Judge Castberg, of Norway.

Judge CASTBERG (Norway). Mr. President, only a few words about this clause (d), to which the amendment of Mr. Smyth is proposed. First, I wish to say that perhaps the clause is somewhat vague; but I do not understand it to mean that fisheries, and especially those small fishing boats, which are mentioned here, are included. It can not be said that transport of passengers or goods by road or rail, sea or inland waterways, includes fishing boats. I think I am right in that. I will say, Mr. President, that this question, raised by the committee when altering the words of the organizing committee's proposal on this point, is a very important question, especially to the country which I am representing here. Norway has between 2,000,000 and 3,000,000 tons of shipping. It had that before the war, and was the third or fourth country among seafaring nations of the world. And it is very important to us that this matter, this addition of "sea or inland waterways," has been taken up by the committee and put into the draft convention. It is not for that reason that I personally—and I do not think the Government of Norway—am against the principle being adopted also for seamen, but it has not been considered and discussed by the Government because the material that was given by the organizing committee and the draft convention that was drawn up by the organizing committee had not these words "sea or inland waterways" in its proposal. The Government is not against the principle of 48 hours a week. We have only recently passed a law for 48 hours a week in industry, but also in a very new law for seamen, we have taken the same line for the engine-room crew and for seamen when the ship is in harbor. But for the crew it is stated in the law that the customary arrangement shall continue. This very important question must, I think, be first discussed by the Government before the Government delegates from Norway can take any final position as to the area in which it should be carried on. Mr. President, the intention of my remarks here is to say first that it perhaps was the most natural and convenient thing to lay the whole of this question before that special conference that is proposed to be called latter on. But in any case I must make a reservation on behalf of my Government that they have an opportunity to take into consideration this, as I may say, new question when we look on the proposal of the organizing committee. I will not vote against this proposal, but all questions as to the practical application of this principle shall be left to a discussion of that special conference which is proposed by the committee. This reservation, Mr. President, is not directed in any way against the principle of the 48-hour week or 8-hour day, but is a necessary, formal recommendation on behalf of my Government.

The PRESIDENT. The delegate from Finland, Mr. Saastamoinen.

Mr. SAASTAMOINEN (Finland). Mr. President, many speakers have already called the attention of the conference to the necessity of placing inland navigation in the same category as general navigation, with regard to the application of the eight-hour day.

We in Finland were the first people in Europe to adopt an eight-hour day. We have applied it to very many trades, really to a greater extent than has been proposed here, but inland navigation and navigation in general have not as yet been included.

The delegate from Canada, for instance, has mentioned the fact that conditions prevailing on inland lakes in Canada are such that they can not be compared to river navigation in central Europe.



I will say here that the conditions are very much the same in Finland. There are more waterways over there than there are in any other country in the world, in relation to area, and we are vitally interested in inland navigation, but it seems to us very difficult to arrange that question here in connection with the general application of the eight-hour day, and I propose that in that respect inland navigation be placed in the same category as general navigation by water.

Mr. SMYTH (South Africa). I just want to reply in a few words to Mr. Shaw. I agree with Mr. Shaw that we want the 48-hour week for all for whom we can obtain it, but I do not think we have sufficient knowledge in this case to go right ahead and decide on it for the inland navigation. That is why, sir, I want to see the question of inland navigation referred to this special conference which will be summoned to deal with maritime matters.

The PRESIDENT. The representative from the Japanese delegation is recognized.

Mr. OKA (Japan). On behalf of the Japanese Government delegation, I submit our desire that water transport, both inland and sea, shall be treated or considered by the special international conference. We hope further that the discussion on the distinction of treatment of the two shall be considered similarly by the same special international conference.

The PRESIDENT. The question is on the amendment offered by Mr. Warrington Smyth.

As many as favor the adoption of the amendment will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands.

[Votes counted.]

The amendment is agreed to.

Is there any further amendment to paragraph or clause 1?

Mr. ROWELL (Canada). In the preceding clause, that is, clause (c), I desire to make a suggestion of a verbal correction which, I think, would make more clear what I assume to be the meaning of it. They use the words "inland navigation." I would suggest that they substitute the word "waterway" for the word "navigation." That is, in the third line reading—

Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland navigation.

Waterways are not navigation. They do not repair navigation. It is the repair and construction of inland waterways, rather than navigation. I will move, if necessary, to substitute "waterway" for the word "navigation," in the third line of clause (c). It makes more clear the meaning.

The PRESIDENT. Mr. Fontaine is recognized.

Mr. FONTAINE (France). Mr. President, we beg Mr. Rowell's pardon, but we seem to have no luck with our corrections. Twice we have inserted in the text the words "installations for inland waterways," but the printer seems to wish otherwise. Mr. Rowell is making practically the same request. The correct French text is "installations for inland waterways."

The PRESIDENT. Without objection, the correction will be made.

Mr. ROWELL (Canada). Mr. President, I have one other suggestion, and that is in reference to clause (d). Clause (d), as submitted by the committee, is as follows:

The transport of passengers or goods by boat or rail, sea or inland waterways.

Now, it is true that we have amended the latter part of this clause on motion of Mr. Warrington Smyth, but I submit that, to be consistent, we should amend the first part as well, by striking out the words "sea inland waterways," and my reason, Mr. President, for submitting this amendment, in addition to the reasons already urged, is that in the report submitted by the organizing committee this question was expressly withdrawn from consideration as part of this proposal.

I read from the report submitted on the 8-hour day and 48-hour week, on page 4, as follows:

Commerce, agriculture, and sea service, and other nonindustrial employments have, therefore, not been inquired into by the committee or dealt with in its report. It will be remembered that special proposals with reference to agriculture and the sea service were made by the labor commission

Then, in the report of the organizing committee submitted to the conference, I find this paragraph:

To the same order belongs a proposal which the present chairman has been asked by the French Government to offer, relating to the holding of a special committee intrusted with the study of employment at sea and the enforcement of the eight-hour day.

I submit, Mr. President, it is of the utmost importance that this conference in its deliberations should confine itself to matters covered by the agenda, upon which the representatives of the Governments have had an opportunity to inform themselves and to come to the conference prepared to express an opinion.

This matter was expressly withdrawn from the consideration of the Governments by the report sent out to the Governments, and as a Government we have not been informed on that particular matter.

Therefore, to be consistent with the former motion, I move that those words be stricken out from the first part of that clause.

The PRESIDENT. May the Chair call attention to the rule that amendments should be offered in writing?

Mr. Fontaine.

Mr. FONTAINE (France). Paragraph (d), in the words "transport by road, railway, sea or inland waterway" simply states a general principle, as far as maritime or inland navigation is concerned, application of which is left entirely to a special conference, in accordance with the vote you have just taken. This application may be as elastic as that provided for in articles 4 and 5, the question of methods and the necessary exceptions being left to the special conference.

I call the attention of our colleagues to the fact that the text which we are submitting, conceived on a wide and elastic basis, is the result of an agreement which has been negotiated, and that if the elements of the agreement are successively removed, the entire convention will disappear. Inasmuch as the omission requested by Mr. Rowell, with regard to the point in question, really has no practical interest, since all details of adjustment are referred to a conference of specialists, I beg Mr. Rowell not to compromise the fate of our convention for the sake of mere form.

The workers beg that emphasis be laid in a general way on the 8-hour day and the 48-hour week. They agree, however, to such exceptions as are necessary for the normal conduct of industry, or are necessary to prevent industry from being disorganized. They agree to comprehensive and elastic amendments. I beg my colleagues to be satisfied with our text after the explanations which have been given, and not to risk jeopardizing the whole convention.

The PRESIDENT. Mr. Jouhaux.

Mr. JOUHAUX (France). I do not believe that the amendment which we voted on a short time ago, which provides for a special commission or conference to consider the question of enforcing the 8-hour day and the 48-hour week in maritime occupations or inland navigation, can, since it has been so decided, result in subversion of the principle in the convention. For our part, the facts have been set forth by Mr. Fontaine, the reporter of the convention, who was present at all the discussions and who knew the conditions under which negotiations were carried on in order to agree upon the text which is submitted for your consideration. We, the representatives of the workers' organizations, certainly can not allow further concessions in the present text. It does not go as far as the draft drawn up by the workers' delegates, and the latter draft was itself less comprehensive than existing legislation in the majority of countries. It would only be necessary to remove from the present convention certain principles stated therein, for us, the workers' delegates, to declare the convention ineffectual.

The PRESIDENT. Mr. Nolens, of the Netherlands.

Mgr. NOLENS (Netherlands). Mr. President, I shall not abuse your patience, but I think it would be well to repeat once more,



inasmuch as I am not bound personally by negotiations between employers or employees, that we have before us, as Mr. Fontaine has remarked, the result of discussions which lasted days in order to attain a certain object. I, for my part, must confess frankly and openly, that, during these discussions in these committees, it was the employees, particularly, who made concessions. I understand their point of view quite well when they refuse to accept further modifications, one way or another, in the text we have before us.

Inasmuch as a commission of 15 members was appointed, of which 5 were employers, 5 employees, and 5 Government delegates, and inasmuch as this commission spent so much time in consideration of this question, it is not possible to go back now to every stipulation contained in this draft convention. It is not possible, Mr. President, to adapt the text of this draft convention to every peculiar circumstance in each individual country.

SEVERAL DELEGATES. Hear! Hear!

Mgr. NOLENS (Netherlands). Even in our country it would not be very easy to enforce this principle in regard to inland navigation at the present time, but we must not fall behind, we must advance by enforcing this convention. If we are not to do so, then I fail to see the necessity or even the utility of holding such conferences as this. That is why, Mr. President, I say to this conference—and it is a statement that I will uphold on any occasion—that we must not give with one hand and take back with the other in this draft convention. I am not protesting. I recognize the rights of all the members of this conference, but account must be taken of the fact that this is a compromise. It is not a compromise on the part of any one party; it is a compromise with which it would be dangerous to meddle.

SEVERAL DELEGATES. Hear! Hear! [Applause.]

Mr. ROWELL (Canada). May I be permitted to answer Mr. Fontaine—

The PRESIDENT. May I call attention to the fact that the motion which you have just made has not been seconded, and therefore is not properly before the house?

Mr. ROWELL (Canada). It was seconded, as I understood it. I think it was seconded before, although the name was not taken.

The PRESIDENT. Well, the Chair will recognize Mr. Rowell.

Mr. ROWELL. In view of what Mr. Fontaine has said, Mr. President, I do not feel like pressing the amendment to a vote, because I do not wish to do anything that would endanger this convention. At the same time I desire respectfully to put on record the opinion that neither employers', employees', nor Government representatives on any commission have any right to agree to include in any convention matters that are not covered by the agenda, and that, if they do so include matters in conventions that are not covered by the agenda, they are running the risk of imperiling the whole convention when it comes to be submitted to the Governments for action. You can not expect the Governments to approve of conventions containing clauses relating to matters which have not been covered by the agenda. But in view of what has been said I will not press the motion on this point but simply put on record my objection.

The PRESIDENT. Without objection the amendment is withdrawn. Is there any further amendment to clause 1? Mr. Crawford, of South Africa.

Mr. CRAWFORD (South Africa). Mr. President, I desire to move an amendment of which I gave notice some considerable time ago, and which was printed in the record, namely, that the words "other than undertakings in which only members of the family are employed" should be deleted. I think there is a very vital principle involved here, and I trust some member of the conference will second it and allow the matter to have some little discussion. When that is translated I would like to ask for a seconder.

The PRESIDENT. Mr. Crawford moves to strike out the words "other than undertakings in which only the members of the family are employed," and he has previously given notice to that effect. Is there a second to the motion?

Mr. FONTAINE (France). Well, we are waiting for someone to second the motion. Does no one second it?

Mr. SMYTH (South Africa). I second the motion.

The PRESIDENT. Mr. Smyth seconds the motion.

Mr. CRAWFORD (South Africa). When the commission was appointed to deal with the various amendments, I was given an assurance that all amendments, including those emanating from Government delegates, would be dealt with. Although the fact that my amendment does not appear in any of the appendixes would suggest that it had not been considered, there are two paragraphs in the preamble which would suggest that the fact that this amendment would come forward had caused the question to receive some consideration. These two clauses appear on the first page of the provisional record of the 15th day, of Saturday—the first two paragraphs on the second column.

Evidently the reasons given by the commission for retaining these words in this particular paragraph are set out as follows:

The commission did not consider it possible to regulate the length of the day in home work. The majority were of the opinion that control of the hours of home work would be very difficult, even with frequent inspection. They also believe that the question of controlling home work would arouse violent opposition. In a word, the sentiment of the majority was that home work, which certain members of the commission wished to restrict as much as possible, owing to abuses connected with it, should be made the subject of investigation and subsequent recommendation by the International Labor Office.

The subsequent paragraph, which I will not read, also gives the reasons of the commission for not deleting those particular words. Now, the fact that the commission did not consider it possible to regulate the length of the day in home work, and that there would be difficulty, even with frequent inspection, of controlling it, seems to me no justification for including these words in this particular convention.

There is an important principle involved, and that principle ought to be recognized. The fact that it might arouse vital opposition is probably one good reason for dealing with a question of this particular kind. The question is whether the onus for recognition of what after all is an encouragement to "sweating" should be upon this conference or upon the individual country. That is a matter that is involved in this discussion.

The convention as drafted by this International Labor Conference should be treated very seriously indeed. Our ideal should be to have conventions that are practicable universally and sound in principle.

Mr. Barnes said to-day, in order to meet some remarks of Mr. Parsons, that any country is free to reject the whole thing. Now, if we take that view of it we would be inclined to include in these conventions many features that might be generally objectionable, and if the conventions as drafted by this conference are not generally accepted, then the prestige and the moral power of the International Labor Conference are going to be very seriously impaired. We must draft conventions that will win the respect of the nations of the world and we must draft conventions that will be applicable as far as possible to the nations of the world. I say, therefore, that a very important principle is involved.

The commission says that this question should be made the subject of investigation and subsequent recommendation by the International Labor Office. Now, it seems to me that to encourage an evil—and I contend that the inclusion of those words in the draft convention will encourage sweating and will set up and encourage that evil—and then to suggest that our machinery should be set in motion to lead to the elimination of that evil is paradoxical and absurd.

Why give this evil, which it is recognized leads to "conditions which are too often deplorable"—I am quoting from the commission's report—why give this evil any impetus, any encouragement at all? If these words are allowed to remain in this convention, then I say that as far as my country is concerned—and I know it must be the same in a large number of other countries—the sweating evil is going to get a considerable impetus; there is going to be a great deal



of sweating, and the sweaters will have good reason to approve the work of this International Labor Conference.

In the second paragraph the statement of the commission appears rather inconsistent with what is stated in the first paragraph. It says:

It seems necessary to emphasize the fact that the only workshops to escape the provisions of the text are those where only members of the family are employed. Where a single worker not belonging to the family is employed, the workshop would come under the provisions of the convention, and this interpretation, which is the correct one, of a very clear text is aimed at all subcontractors who take work home and employ coworkers and assistants who work with them under conditions which are too often deplorable.

The commission recognizes that "conditions are too often deplorable," but what I want to ask them is this: If they consider that conditions under which home workers carry on their work are not capable of being controlled, even by frequent inspections, how can they control home work if one single worker not a member of the family is employed to assist? If it is not difficult to control home work where one nonmember of a family is employed, then why should it be difficult to control home work where no nonmember of the family is employed? It seems to me that the statement of the commission is very contradictory.

I heard with interest a remark made by a previous speaker, Mr. Nolens, when he said that the workers' delegates have granted the most concessions. I sincerely trust that this is not one of the concessions that was granted by the workers' delegates, because if there is any class of worker upon whom this conference should concentrate more attention than any other it is the very class that should be affected by those words—the poor and the unorganized class of workers. If these words remain here, this is the interpretation to be given to the work of this conference. It will be suggested that in attempting to meet the opposition of strongly organized bodies of workers, this conference is pandering to them, is conceding to them, at the expense of the poor, at the expense of the very class that is not able to help itself. I sincerely trust that no workers' delegate is going to concede anything that is calculated not to protect the interests of the poor worker, the woman worker, the home worker, and the children, the sweated workers. It was suggested to me when I first brought this amendment forward that in our country we have been exterminating home work, sweated industry, and that it is easy for our country to delete those words from this convention. I say that is not satisfactory. Rather should we delete those ourselves and let the country that wants to include the words put them in for themselves. We do not want to frame conventions in the hope that certain countries will accept them with certain modifications. In a vital principle of this kind, we have got to frame conventions in the hope that they will be applicable without any change to every country, rather than suggest that the countries that won't stand for home sweating should eliminate these words from the bill. Rather then let us build our movement on a sound foundation and eliminate the words and let the responsibility and the onus for the conclusion of any convention rest with the particular countries that want to exclude them, and my country won't be one of these countries.

Mr. Barnes, in introducing the measure some days ago, said that what was wanted on the part of the workers was leisure rather than pay. If this convention goes with these words included, what is going to be the effect? The effect is going to be that in the big factory, with big production, hours are going to be shortened considerably. The workers, the women and young people and children who work there, who are over a certain age, are going to have more leisure. What are they going to do with their leisure? As this clause stands at the present time, they can use their leisure in working at home; but what will be the benefits of this leisure, if they are going to get more leisure, if they are going to get more time away from the factory, which is organized, perhaps, in up-to-date conditions and in the most hygienic way, if they get away from that factory, with strength still

remaining in them, and then exhaust their strength by working in unhealthful abodes? I say a possibility of that kind should not exist.

The question came before this conference as to the desirability of more production, and Mr. Jouhaux pointed out that more production ought to be gotten, not by the increase of hours of labor, but by the better organization of industry and the substitution of the real motor for the human motor. I want to suggest that if these words remain there you are going to increase the number of human motors and you are going to discourage the introduction of the real machine motor.

What employer is going to use his money building a big hygienic factory, installing expensive and perhaps experimental machinery, when he can, without spending any money and capital, give out the material to the workers to take home; when he can use the homes of the poor for his factory; when he can use their sewing machines, and their blood and sweat for his motor power; when he can make them employ their little all in capitalizing his business? Why should he? There will be no encouragement to modern methods of production; there will be no encouragement for the improvement of machinery; there will be no encouragement to the growth of healthy modern industry if these words remain in this particular convention.

Mr. Barnes also said, in introducing this measure, that it would include the son in a small family in a business that might be struggling into existence, and yet when Mr. Parsons put forward the same argument against the whole measure, and a better argument at that, what was the view of the convention on it? The argument Mr. Parsons put up was this: That this measure will restrain individualism; that it will prevent that individual who has the strength—not the little child, not the woman, but the man who has the energy of mind and the energy of body to apply himself industriously perhaps 16 or 18 hours a day—from building up a great factory or producing concern. He pointed out that this convention would act as a deterrent on individualism of that character. And yet we encourage a measure of this kind. I mean the individual that was pictured by Mr. Parsons is an individual who is not being injured; a man who, if he exercised the choice, might curtail his hours of work and still live comfortably. But if you are not going to listen to Mr. Parsons's argument and for the reasons he put forward oppose the hours as laid down in this measure, then certainly you should listen to my views, to the arguments I put forward, eliminate these words, and give some protection to the woman and the child and to the homemaker that otherwise would be a victim and a prey of sweating institutions.

The PRESIDENT. I would call the attention of the gentleman to the fact that his time has expired.

Any further discussion of the amendment?

Mr. FONTAINE (France). All the developments which have just been presented by the author of the amendment have already been eloquently presented by his worker colleagues. The commission has heard them and would have liked to comply with them. It did not comply, however, because it did not consider that home workers could be effectively protected by limiting family work but rather by regulating salaries, as has been done in numerous countries. The suggestion was not rejected, however, and recommendation was made that the matter should be taken up by the International Labor Office along with other suitable measures.

I have nothing to add to my report, and I request the president to be good enough to proceed to a vote.

The PRESIDENT. The question is on the amendment offered by Mr. Crawford. As many as favor the amendment will raise their right hands and keep them raised until counted. [Votes counted.]

Down. Those opposed to the amendment raise their right hands. [Votes counted.]

The amendment is lost.

Dr. Justiz, of Cuba.

Dr. JUSTIZ (Cuba). Mr. Chairman, in connection with this first article, which enumerates the different classes of industrial



undertakings and leaves it to the competent authority in each country to determine the line of demarcation which separates agriculture from industry, may I be permitted to say, from the point of view of Cuba, which is eminently an agricultural country, that agricultural processes do not end with the gathering of the crop when the nature of the product is such that, in order to preserve it or prepare it for its final conversion into the manufactured article of commerce, mechanical processes must necessarily be performed in immediate connection with the harvesting. Notably is this true in the case of the making of raw sugar, and in order to avoid misunderstanding in the application of this convention to their country, the delegates of Cuba beg to state to the conference, and request it to be inserted in the proceedings, that the limitation of hours for industrial undertakings, though it applies to the manufacture of white sugar in the refineries, does not, however, apply, in their view, to the making of raw sugar, for the reasons which they have explained to the committees on hours of work and on special countries and embodied in the statement in the provisional record of the conference for the thirteenth day of its session, November 19, page 226.

The PRESIDENT. M. Jouhaux.

Mr. JOUHAUX (France). Before we vote on the first article I desire to make the following statement:

In voting on this convention, we do not purpose to recede in any way from the minimum demands formulated in our counterdraft. We are voting for the convention because it sets forth for the first time a universal principle for which the working classes of all countries have been fighting for years. We are voting for the convention because for the first time an international convention providing for the application of the 8-hour day and the 48-hour week will in itself have the provisions for enforcement necessary to render effective the application of this principle. We shall vote for the convention because it is the first manifestation of the League of Nations in working out international labor legislation. But, in so doing, we intend to state once more that this convention will have to be enlarged—extended to include commerce—as the workers' delegates have unanimously requested. Moreover, as the International Labor Conference is going to convene every year, we hope that, after supporting here in Washington the application of this principle in so far as industry is concerned, we shall be able next year to extend its application universally to all workers in commercial pursuits. Consequently we shall make real progress, we shall make a social advance which will involve other advances. It is for all these reasons that we are going to vote for this convention, although at the same time keeping to our minimum demands.

The PRESIDENT. If no further amendments are proposed to article 1 we shall proceed to the discussion of article 2.

Mr. ROWELL (Canada). May I ask the reporter for the commission one question? Does the fishing industry, in the view of the commission, come under the provisions of this article as an industry? I would not suppose that it did—that is, fishing upon the high seas or upon the lakes or the rivers. It is rather important that one should know what the view of the commission is; that is, as to whether that is included.

Mr. FONTAINE (France). In the paragraph under discussion it is a question of transport by sea or inland waterway, and fishing is not specially mentioned in the draft convention. The fishing industry should be given consideration in the special conference which is going to meet next year, inasmuch as it is included in the work of sailors and boatmen. The provision of the articles which follow are not applicable to fishing.

Mr. ROWELL (Canada). That answer is perfectly satisfactory. That is how I would interpret the clause. May I ask one more question? Does the reporter of the commission consider that this clause would cover that portion of the lumber industry which means the working of wood, cutting down of trees and logging in the woods, which constitutes a very important class of employment in Canada

and some other countries? I would like to know whether their view is that it is covered by this clause or not.

Mr. FONTAINE (France). It is exceedingly difficult for the reporter, who is ignorant of the conditions under which this industry is carried on in Canada, to say just where the Canadian Government should fix the line of demarcation between industry and agriculture. Forests, as a rule, come under agriculture, and their exploitation is an agricultural enterprise. There is a point where forestry becomes industrial. If a window-frame factory is established in a forest, it is certainly an industrial establishment. If the trees are simply cut up, however, it is an agricultural establishment. It is for the legislation in Canada to make this distinction, with the spirit of wisdom and fairness which we recognize as characterizing our Canadian colleagues.

I beg leave to make an observation about the text relating to sailors. The end of the paragraph on transportation should also be modified. The text reads:

Provisions relative to transport by sea and inland waterways shall be determined by a special conference on maritime labor.

The words "on maritime labor" should be omitted, and the text should read "on the work of sailors and boatmen."

[Mr. Fontaine remarked to the interpreter that he did not know how to translate into English the word "mariniers" because in French the word "mariniers" applies to persons working on inland waterways.]

Mr. SHAW (Great Britain). "Watermen" is the term we generally use.

The PRESIDENT. Without objection we shall proceed to the consideration of clause 2. Mr. Crawford.

Mr. CRAWFORD (South Africa). I wish to move the addition of certain words to clause 2-b, in order to make the intention of the clause more clear. I wish to move that the following words be added: "Nor shall the limit of 48 hours in a week be exceeded." I would like to give a little explanation before asking for a second. I haven't much to say. It seems to me possible for an employer who recognizes a 7-hour day on one day of the week to work his employees the full 9 hours on the other days of the week, making it possible for a 53-hour week to be worked under this clause. Now, the intention of the commission is quite clear in the preamble. It makes it quite clear that the week shall not be one of more than 48 hours, but I think if the convention is adopted in any particular country, and the preamble is not included, then legal disputation is likely to arise. Another reason why these words should be added is this: The average worker in reading a convention of this kind should have no doubts, and as the clause stands there will be created in the mind of the average worker doubts and fears as to whether advantage of this clause could be taken by employers to lengthen the working week beyond 48 hours. I therefore wish to move, and I am willing to accept any other suggestion of the commission, that the following words be added: "Nor shall the limit of 48 hours in a week be exceeded."

The PRESIDENT. The Chair hears no second. Mr. Baldesi is recognized.

Mr. BALDESI (Italy—remarks in Italian). In all the discussions of the convention for the reduction of hours the question of reducing the wages at the same time has not been mooted; every time the question has been debated with employers, there has also been a question of reducing wages.

This reduction in hours of work must be an advantage at the same time to the workers. I do not think there will be any opposition to my proposal, because there is no intention to interfere with any regulations of prices established in any country.

Also the question of piecework must be decided. In Italy we have settled the question by referring it to a commission which regulates the wages of workers according to the work done by the piece.



The conference must pay great attention to the proposition or the motion which I am going to offer, because if it were possible for the workers of the world to see in this reduction of hours a question which would be disadvantageous to them it would certainly go against the wishes of the workers.

After article 2, paragraph c, add paragraph d:

No decrease in wages by the day or by the week can be admitted by the workers. For those who work by the piece, prices must be settled on the basis of the new hours of work after agreement between the workers and the employers.

The PRESIDENT. The Chair is clearly of the opinion that the proposed amendment is not in order. It is not within the province of this conference in dealing with the question of hours of labor to determine whether or not there shall be an increase or a reduction in the wage rates that accompany those hours of labor, and it is not within the province of this conference in dealing with the question of hours of labor to determine whether the compensation on piece-work shall be through agreements with employers or by any other process that may be determined upon within the respective countries, and consequently the Chair is of the opinion that the proposed amendment is not in order.

Mr. BARNES (Great Britain). I am glad that we disposed of the last amendment, Mr. Chairman, so I will say nothing further about it: but, as I understand, the motion of Mr. Crawford now holds the floor.

The PRESIDENT. No. Mr. Crawford's amendment has not been seconded.

Is there any further amendment to clause 2?

Mr. ILG, of Switzerland, is recognized.

Mr. ILG (Switzerland). I have not requested the floor in order to suggest a change in the proposal of the commission, but I wish to propose to the conference that we vote on a resolution on the 48-hour week or rather, the 8-hour day. I therefore move that the conference place the following question upon the agenda of the next conference: An eight-hour day for the first five days, and less than eight hours for Saturday.

Here is my reason for making this motion. I consider that the problem was not discussed as it should have been. The principle of the 8-hour day was discussed at the same time as that of the 48-hour week; one was made to include the other. Acceptance of the 8-hour principle did not necessarily imply the 48-hour week simply because 6 times 8 is 48.

Mr. FONTAINE (France). But—7 times 8 makes 56.

Mr. VARELA (Uruguay). Seven times 8 makes 56.

Mr. ILG (Switzerland). But if the seventh day is a day of rest—

Mr. VARELA (Uruguay). Nobody has said that.

Mr. ILG (Switzerland). Yes they have.

Mr. VARELA (Uruguay). It is implied, because you talk of a 48-hour week.

Mr. ILG (Switzerland). I consider that the question has been poorly stated from the beginning. The 8-hour day with Saturday afternoon free is what the workers are asking, and it is also on the agenda, so that from the very beginning the question of the 8-hour day and the 44 or 45 hour week should have been discussed. Inasmuch as I believe that the problem has not been fully considered, I beg the conference at least to adopt the motion that the next conference shall discuss not the 8-hour day and the 48-hour week, but the 8-hour day and a Saturday of less than 8 hours.

I think that is the least the conference can do. Workers have already begun a fight for the 45-hour week in many countries. I believe that the conference can not simply ignore the question, but that it is obliged to discuss it, and to find a formula by means of which the Saturday afternoon rest may be enforced after a certain number of years—something which is perfectly possible. As far as I am concerned I do not believe that this could be accomplished over night, but I wish that a certain period of time might be allotted for the introduction of this measure. Once more, I am

infinitely sorry that the question was not put on the right grounds at the beginning. Then our discussions would have included it. I do not wish to go back to it to-day, but I ask the conference to adopt my motion.

The PRESIDENT. We are not at the present time considering the agenda for the next conference. We are considering a draft of a convention on the 8-hour day and 48-hour week. Consequently the proposal presented by the representative from Switzerland would not at this time be in order. It would be in order at the time when we are considering the agenda for the next conference.

Mr. FONTAINE (France). The next session?

The CLERK. Of the next conference.

The PRESIDENT. The hour of adjournment having arrived, the conference will stand adjourned until 10 o'clock to-morrow morning.

[Whereupon, at 6.05 o'clock p. m., an adjournment was taken to Tuesday, Nov. 25, 1919, at 10 o'clock a. m.]

#### The following delegates were present:

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| Argentina:   | Great Britain—Concluded.                                     |
| Dr. Leonidas Anastasi.   | Mr. A. J. C. Ross (substitute for Mr. D. S. Marjoribanks).   |
| Dr. Felipe Espil.  | Mr. Tom Shaw (substitute for Mr. G. H. Stuart-Bunning).      |
| Mr. A. Joseph Hayes (substitute for Mr. Hermenegildo Pini).              | Greece:  |
| Mr. Americo Balino.  | Mr. John Sofianopoulos.                                      |
| Belgium:   | Mr. Angelus Skinzopoulos.                                    |
| Mr. Armand Julin (substitute for Mr. Michel Lévie).                      | Mr. Eugene Cantacuzène.                                      |
| Mr. Ernest Mahaim.   | Mr. Timoleon Lamprinopoulos.                                 |
| Mr. Jules Carlier.   | Guatemala:   |
| Mr. Corneille Mertens.   | Mr. Francisco Sanchez Latour.                                |
| Brazil:  | Dr. Ramin Bengoechea.  |
| Dr. Carlos Sampaio.  | Mr. Alfredo Palomo Rodriguez.                                |
| Mr. A. de Melló Franco.  | Mr. Manuel Moreno.   |
| Canada:  | India:   |
| Hon. Gideon D. Robertson.  | Mr. Louis James Kershaw.                                     |
| Hon. Newton W. Rowell.   | Mr. Atul Chandra Chatterjee.                                 |
| Mr. S. R. Parsons.   | Mr. Alexander Robertson Murray                               |
| Mr. Tom Moore (substitute for Mr. P. M. Draper).                         | Mr. Narayan Malhar Joshi.                                    |
| Chile:   | Italy:   |
| Mr. Felix Nieto del Rio.   | Baron Mayor des Planches.                                    |
| China:   | Dr. G. di Palma Castiglione (substitute for Mr. A. Cabrini). |
| Mr. Lingoh Wang.   | Mr. Gino Baldesi.  |
| Cuba:  | Japan:   |
| Mr. Luis Marino Perez (substitute for Mr. Carlos Armenteros y Cardenas). | Mr. Eikichi Kamada.  |
| Mr. Francisco Carrera Justiz.  | Dr. Minoru Oka.  |
| Mr. Luis Rosainz y de los Reyes.   | Mr. Sanji Muto.  |
| Czecho-Slovakia:   | Mr. Uhei Mazumoto.   |
| Mr. J. Sousek.   | Netherlands:   |
| Mr. Charles Spinka.  | Mgr. W. H. Nolens.   |
| Mr. H. Waldes (substitute for Mr. F. Hodacz).                            | Mr. G. J. van Thienen.                                       |
| Mr. F. Stastny (substitute for Mr. R. Tayerle).                          | Mr. J. A. E. Verkade.  |
| Denmark:   | Mr. J. Oudegeest.  |
| Mr. S. Neumann.  | Nicaragua:   |
| Mrs. Marie Hjelmer (substitute for Mr. C. V. Bramsnaes).                 | Señor Don Ramon Enriquez.                                    |
| Mr. P. Hedeboel (substitute for Mr. C. F. Madsen).                       | Norway:  |
| Mr. H. Vestesen.   | Judge Johan Castberg.  |
| Ecuador:   | Judge I. M. Lund.  |
| Dr. Don Rafael H. Elizalde.  | Mr. G. Paus.   |
| Dr. Don Juan Cueva Garcia.   | Mr. J. Teigen (substitute for Mr. Ole Lian).                 |
| Finland:   | Paraguay:  |
| Mr. A. H. Saastamoinen.  | Mr. Arturo Campos.   |
| Mr. Niilo A. Mannio.   | Dr. Manuel Gondra.   |
| Mr. Matti Paasivuori.  | Persia:  |
| Mr. Robert Lavonius.   | Mirza Abdul Ali Khan.  |
| France:  | Mirza Ali Asghar Khan.                                       |
| Mr. Arthur Fontaine.   | Peru:  |
| Mr. Max Lazard.  | Mr. Carlos Prevost.  |
| Mr. Louis Guérin.  | Mr. Eduardo Higginson.                                       |
| Mr. Léon Jouhaux.  | Mr. Vicente Gonzales.  |
| Great Britain:   | Mr. Victor A. Pujazon.                                       |
| Rt. Hon. G. N. Barnes.   | Poland:  |
| Sir Malcolm Delevingne.  | Mr. Franciszek Sokal.  |
|  | Mr. Jozef Rymer.   |
|  | Mr. Jan Zagleniczny.   |
|  | Mr. Edmund Bernatowicz.                                      |



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| Portugal:<br>Mr. José Barbosa.<br>Mr. Alvaro de Lacerda.<br>Mr. Alfredo Franco.                      | Serbs, Croats, and Slovenes—Concluded.<br>Mr. Marko Bauer.<br>Mr. Sveta Frantz.<br>Dr. Ludevit Peritch. | Spain:<br>Viscount de Eza.<br>Mr. Adolfo Gonzales Posada.<br>Mr. Alfonso Sala.<br>Mr. Francisco Largo Caballero.  | Switzerland:<br>Dr. Hans Sulzer.<br>Dr. Hermann Rufenacht.<br>Mr. Dietrich Schindler.<br>Mr. Conrad Ilg. |
| Roumania:<br>Mr. C. Orghidan.<br>Mr. Gregoire Michaelesco.   | Siam:<br>Phya Prabha Karavongse.<br>Phya Chanindr Bhakdi.   | Sweden:<br>Dr. Gunnar Huss (substitute for<br>Judge A. Erik M. Sjöborg).<br>Senator R. G. Halfred von Koch.<br>Senator Hjalmar von Sydow.<br>Mr. A. Herman Lindqvist. | Uruguay:<br>Dr. Jacobo Varela.   |
| Salvador:<br>Don Salvador Sol.   | South Africa:<br>Mr. H. Warrington Smyth.<br>Mr. William Gemmill.<br>Mr. Archibald Crawford.            | Venezuela:<br>Dr. Don Santos A. Dominici.   |  |
| Serbs, Croats, and Slovenes:<br>Mgr. Velimir Stoykovitch (substitute<br>for Dr. Slavko Y. Grouitch). |   |   |  |

## EIGHTEENTH SESSION—TUESDAY, NOVEMBER 25, 1919.

The conference convened at 10.15 o'clock a. m., Mr. Jules Carlier (Belgium), second vice president of the conference, presiding.

The PRESIDENT. The meeting is called to order. The secretary has a few announcements to make.

The SECRETARY GENERAL. I addressed a letter to the Government delegates of a number of delegations, in regard to the Bern convention of 1906, relating to the use of white phosphorous in the manufacture of matches, which is the subject of the fifth item of the agenda of the conference. I should be glad to be able to complete my report on that subject as soon as possible and should be very much obliged if those delegations which have not yet answered would do so within the next few days.

The PRESIDENT. It is a great honor for me to preside at to-day's session. I suppose that the conference wishes me to fill this office to the best of my ability, expediting the work of the conference as much as possible, and, in particular, the discussion of the report which has been submitted on the eight-hour day. I take the liberty of reminding the conference that this report has been discussed at length; that it has been the subject of agreements and compromises among the three parties; that it was unanimously adopted, and that consequently it is submitted to the conference under conditions making it possible to proceed rapidly to its adoption, with the way smoothed before us. There are only two or three more meetings left, and it is to our advantage to make the most of them.

Mr. Baldesi is recognized.

Mr. BALDESI (Italy—remarks in Italian). Mr. President, on my motion to add to article 2 of the convention on the hours of work, you thought fit to declare that this was not the time to insist on this proposal. I do not see the wherefore. You have said yourself that this conference is not authorized to discuss decreases in the rates of workmen's pay, and you would be perfectly right if I came here to propose changes in the rates of the workers' pay. I simply ask from this conference that the workers be guaranteed that their pay will not be reduced on account of the reduction in hours of work. Am I not within my rights as a representative of the workers in trying to —

Mr. BARNES (Great Britain—interrupting). Might I rise to a point of order? Is this in order? I understand it has relation to wages.

The PRESIDENT. Mr. Wilson yesterday promised the floor to Mr. Baldesi to speak on a point of order. I am keeping Mr. Wilson's promise by giving the floor to Mr. Baldesi. It is clearly understood, however, that Mr. Baldesi has the right to speak only on the subject of the remarks made yesterday by Mr. Wilson. Directly he has finished, if no one requests the floor, we shall continue according to our agenda, that is, devote ourselves exclusively to the report submitted by the commission. Mr. Baldesi's remarks are now to be translated. I think it is a matter of simple courtesy to allow the remarks to be completed.

Mr. BALDESI (Italy—remarks in Italian). The employers rightfully seek in all possible manner to decrease, or rather to try to support, the financial strain which will result because of the reduction of hours and I recognize—I grant them—this right; but also you must

grant me the right to try and assure to the workers that the advantages that they have so far obtained in all countries will not be reduced. You say that one must not mention wages in this conference; but I must call to your attention that in the question of overtime we have ourselves discussed an increased proportion of the workers' pay.

It is not possible to separate the question of hours of work and the question of wages. I ask you, is it possible to leave to the good will of the employers the question of the wages of the worker with the danger that the advantages that have accrued to the workers will be lost through reduction in hours of work?

Mr. President, my motion is of capital importance. In my country there is no danger of this reduction of pay being made, but in other countries where the workers are less organized it might be dangerous indeed for the workers not to have this guarantee stated by this conference. Allow me to add also that every time the workers have put forth any proposal in this conference it has been objected to on the question of form or substance. I think that those who passed the treaty of peace meant this conference and this International Labor Organization to be a means toward social peace, and for myself I have put my intelligence and all my industry at the service of this cause. But if we must go back to the workers without any results, then I am afraid indeed that great social turmoil will ensue. Therefore, Mr. President, if my proposal is accepted, the conference will give its first proof of good will toward the working classes.

The PRESIDENT. I gave the floor to Mr. Baldesi, as I explained only a moment ago, to keep a promise made yesterday by Mr. Wilson. Mr. Baldesi spoke on a point of order, which was all that he was entitled to do, and I affirm the decision made yesterday by Mr. Wilson.

Mr. ILG (Switzerland). I rise to a point of order.

The PRESIDENT. We are concerned with the draft convention and nothing else. Mr. Ilg now requests the floor. The same objection was raised in his case yesterday by Mr. Wilson, and I should not be doing my duty if I did not affirm the decision rendered then by Mr. Wilson. Mr. Ilg is not in a position to speak, and my decision is that I can not give him the floor.

Mr. ILG (Switzerland). I request the floor on a point of order.

The PRESIDENT. No; Mr. —

Mr. ILG (Switzerland). Then if one is no longer allowed to speak on a point of order in the debates, we have nothing more to do here, because we can not support such conduct. I consider that the decision rendered yesterday by Mr. Wilson was not correct, and that the point must be cleared up. Moreover, it is the duty of the conference to render a decision, and not the duty of the President. I request the floor on a point of order.

The PRESIDENT. Closure is not requested. I will read the standing orders to Mr. Ilg.

A delegate may rise to a point of order, and such point of order shall be immediately decided by the President in accordance with the standing orders.

There are the standing orders. The President, Mr. Wilson, interpreted them yesterday, and it is my duty to see that his interpretation is enforced to-day.



Mr. ILG (Switzerland). Mr. Wilson may have made a mistake. The PRESIDENT. Mr. Léon Jouhaux.

Mr. JOUHAUX (France). I do not believe that the decision rendered by the President can be sustained. There is no doubt that, if we abide by an absolutely literal interpretation of the standing orders, the question raised by Mr. Baldesi does not come into the discussion at the present time. But you can not prevent it from being connected with the question which we are now discussing, and you therefore find yourselves confronted with a rather difficult dilemma. If we do not vote upon the question now, it may be that, owing to the English rules of order, adopted at this conference, we shall not have the right to put it when the convention is finally accepted. Consequently we must vote upon the question at the present time, though we do not ask that it be inserted in the convention, as that is not possible. Owing to its undeniable importance, and since the question has been raised in every country where the eight-hour day has been enforced by law, we request that the Baldesi motion be examined by the conference directly the convention is finally adopted. I believe that, if the question is brought up in this way, we can be given satisfaction.

I wish to observe, at the same time, that such action will obviously prolong the debates somewhat. On the other hand, however, we spend half hours and whole hours in discussions on simple questions of order that get us nowhere. I think it would be rather arbitrary to refuse the floor to a labor delegate who is simply executing the commission which he received to come to this conference.

The PRESIDENT. Mr. Jouhaux, I quite agree with you.

[Several delegates interrupt, and the President requests that their remarks be translated into English.]

The PRESIDENT. Gentlemen, I agree with you absolutely. There can be no question of preventing any motion whatsoever from being submitted, providing that it is submitted at the proper time. But at the present time—according to the spirit of the standing orders to which the President, Mr. Wilson, referred yesterday—we are discussing the report of the commission on the eight-hour day. Consequently we can not discuss other matters at the present time. Any motions which it is wished to present before or after the final closure of discussion of this subject may be submitted. But at the present time we are discussing article 2 exclusively, and we must keep to the matter in hand.

Mr. BALDESI (Italy). I ask for the floor.

The PRESIDENT. You have exhausted your privilege; you have spoken twice.

Mr. BALDESI (Italy—remarks in Italian). I beg you, Mr. President, not to become too impatient. This is a matter of giving proper representation to the interests of the workers, and they ought to be listened to. I accept the proposal made by Mr. Jouhaux, and the question will be submitted again following the discussion of this convention.

The PRESIDENT. Then we're all agreed.

Mr. ILG (Switzerland). I request the floor on article 2.

The PRESIDENT. Mr. Ilg, do the remarks you wish to make bear directly on article 2?

Mr. ILG (Switzerland). That, Mr. President, I can not say offhand. But I request the floor on article 2, paragraph a. Have I or have I not the floor?

I move to omit the words "supervisory and confidential capacity" from article 2, paragraph a. The paragraph will then read as follows:

The provisions of this convention shall not apply to persons holding positions of managerial responsibility.

I propose to strike out the rest because it would be very difficult to distinguish between the word "supervisory" and the words "confidential capacity." What is meant by "supervisory" "confidential capacity"? There are perhaps as many supervisors as workers, and it is not clearly understood just what is meant by "confidential capacity." That is why I move that it be struck out, and the word "managerial" left. That should suffice, and there is no necessity

of adding words which only impede a clear explanation of what the conference wishes to say.

The PRESIDENT. Has your motion been seconded? No. Then the motion is not before the conference.

Mr. FONTAINE (France). The paragraph is certainly worded in a rather elliptic fashion, but that arises from the fact that our worker colleagues requested that the last words be omitted, and for good reasons. The article was originally worded: "Providing that they are not engaged in manual labor."

They considered this provision dangerous, as it seemed to create a sort of prejudice against employees, and they believed that if this phrase were adopted it would result in including in this class of persons all employees of offices, etc. That is the only reason for omitting the words which were contained in the text of the Organizing Committee. There is thus no danger of the comprehensive interpretation feared by our colleague, Mr. Ilg. The commission examined the text with care, and it would be difficult for us to come back with a new text. We request that the text be adopted with this explanation and this interpretation.

The PRESIDENT. There is no further opposition, therefore let us proceed to article 3.

Mr. VARELA (Uruguay). Mr. President, I only want to call your attention to a question of editing. I believe that part of a phrase has been omitted, and that the matter should be corrected.

Mr. FONTAINE (France). In the French text of article 2 the printer, who was very hurried, omitted a line which may be found in the English text, and also in the text of our report. The omitted line runs as follows:

is less than eight hours, a decree by the authority concerned or a convention \* \* \*

The PRESIDENT. It is a simple correction involving the adding of some omitted matter.

Mr. FONTAINE (France). The correct text is in the documents which I have here, and in the English text. The French text will be corrected.

The PRESIDENT. Now we will proceed to vote on article 3. Has any amendment been submitted?

As no amendment has been submitted the article is adopted.

We will now proceed to article 4.

Mr. Castberg, of Norway, is recognized.

Judge CASTBERG (Norway). Mr. President, we have the very important question of continuous work in Norway, where there is a considerable and important chemical as well as a wood and pulp industry and electrical power plants, all with continuous work. Prior to the law of 1919, there had already been introduced an agreement of shifts which carried with it a shorter average working week, about 52 or 53 hours, for industries of this kind. In the law of 1919 there is no special provision for a prolonged working week for industries operated continuously. The 48-hour week is enacted also for those processes. The law, however, contains the following special provision:

In continuous processes the Government may approve a system of shifts which in the course of the shift period gives to workmen an ordinary time of work averaging 48 hours a week and a continuous rest period of 24 hours a week on an average. In deciding on such a system particular consideration should be given to the wishes in this respect of the majority of workers.

This paragraph would consequently imply that in one period of three weeks, a working week would not average more than 48 hours, each working six shifts every week, extra shifts being introduced.

In accordance with this I, as a delegate of the Norwegian Government, can not agree to such a stipulation as the one contained in the draft convention, article 4, proposed by the committee. It seems to me that such a provision would in some degree make fictitious the main principle of the convention, and it further seems to me that this provision is objectionable also, especially for the reason that it hits those workmen who may in a peculiar degree demand short hours of work, namely, workmen regularly performing occasional work at night.



I, then, propose this amendment instead of article 4, and it is seconded by the workers' delegate from my country:

In continuous processes the Government may approve a system of shifts which in the course of the shift period gives each workman an ordinary time of work averaging 48 hours a week and a continuous rest period of 24 hours a week on an average. In deciding on such a system particular consideration should be given to the wishes in this respect of the majority of workers.

Mr. TEIGEN (Norway). I second the motion.

The PRESIDENT. Mr. Ilg has the floor. On the same subject?

Mr. ILG (Switzerland). As far as possible, Mr. President, because I do not want everybody to ask me what I am going to talk about. It is not the first time that I have had the floor in an assembly, and I am quite well aware what should be done. As far as I have understood the question, the delegate from Norway has made no motion.

The PRESIDENT. The amendment is seconded.

Mr. ILG (Switzerland). Well, gentlemen, I can do nothing but second the motion made by the delegate from Norway. I also consider that article 4 as proposed by the commission is very badly worded. The result of this proposal is that workers engaged in very difficult work, that is often injurious to the health, have to work longer than other factory employees. It is greatly to be regretted that the commission was unable to find a solution other than that of a 56-hour week.

I therefore second the motion just made by the delegate from Norway, and in addition I make a new motion. With so many points of order it is necessary to present all proposals at the proper time, as otherwise there are interruptions, and discussion becomes very difficult. I make a tentative motion in case the motion of the delegate from Norway is rejected. I move that the second paragraph of article 4 be curtailed. This reads:

Limitation of the hours of work shall not affect any holidays which may be secured to the workers in such industries by industrial law in compensation for the weekly day of rest.

I do not know what is meant by this phrase, but I move that the following phrase be substituted for it:

In addition every worker shall be entitled to a corresponding number of holidays with pay in compensation for the weekly day of rest.

The PRESIDENT. Then this is a conditional amendment?

Mr. ILG (Switzerland). Exactly.

The PRESIDENT. Mr. Shaw has the floor.

Mr. SHAW (Great Britain). Mr. Chairman, I personally feel that the resolution of Judge Castberg would be a very good one, though he has overlooked, I think, a very essential fact, which is that this convention is not intended to set up a maximum of working conditions, but a minimum below which no country should fall. That fundamental principle should be borne in mind.

Now, I am going to try to make a perfectly plain declaration, on my own part. So far as I know, the workers' side of the committee of 15 went into the sessions of that committee with a view to doing the best work possible. They had a list of amendments to propose; the employers had a list of amendments to propose as well; Government representatives moved amendments; and the whole of these things were thoroughly thrashed out in the committee, and finally this report was presented. I myself consider it well to stick absolutely to our agreements from end to end. I am quite prepared and, I hope, quite able to defend my action before the workers, either in England or any country in the world.

If we once admit the principle that we must vote for things because they please us, after coming to an arrangement, we shall have the conference again discussing every item, every line, and every word, without chance of coming to a conclusion. If the employers try to weaken the clauses, obviously the workers must move all their amendments. If the workers try to strengthen the clauses, then the employers have equal justification in trying to weaken them again and we throw the whole convention into the midst of a discussion when we think an agreement has been reached.

I hope that so far as the labor delegates are concerned, those who gave their trust to the five men, those who are here to get business

done and not to fill the newspapers, will feel as I feel—that we are honorably bound by this agreement, and I shall stick to it, every line of it, vote every line of it, whatever amendment may be moved against it.

The PRESIDENT. May I consider the words of Mr. Shaw as a motion of closure?

Mr. SHAW (Great Britain). Yes.

The PRESIDENT. Is the motion seconded?

Mr. ROWELL (Canada). I second it.

The PRESIDENT. The motion may be put to a vote if 20 members second it.

Judge CASTBERG (Norway). In the proposal of this motion, it will be proper to say that I withdraw the motion with that in view. I have pointed out this question as an important question, but after what has been said by Mr. Shaw, and what is going on, I should like to withdraw my motion and make a proposal to recommend it for the consideration of the next conference. [Applause.]

The PRESIDENT. Gentlemen, Mr. Shaw has moved the closure of the discussion. According to the terms of the standing orders the motion must be put to a vote if 20 members second it by rising in their places. Are there 20 persons standing?

[The number of delegates seconding the motion of closure is verified by the teller.]

It is granted to a single member to speak against the closure. Does anyone request the floor to speak against the closure?

Mr. JOUHAUX (France). I do not wish to take the floor against the motion made by Mr. Shaw, but nevertheless there is something slightly paradoxical about it. Obviously, the draft convention before the delegates is the result of heated discussions on the part of the Commission of Fifteen. Now, at the meetings of this Commission of Fifteen, the workers' delegates unanimously defended the point of view advanced a short time ago by Judge Castberg and resumed by our colleague, Mr. Ilg. There is no doubt that we made every possible effort to have the amendments which we had drawn up included in the convention. Our efforts were not entirely successful, and the majority of the commission were in favor of the text which is now before the delegates. Is the fact that we were in the minority in the commission an obligation on the part of the delegates who did not belong to that commission to hold the point of view which was defended during the meeting of workers' delegates, and to try to gain their point? I think not, because if such were the case, it would block all discussions.

However impatient we may be to obtain results as quickly as possible, and I am as impatient as anyone, I can not admit that the discussion should be curtailed when we are concerned with points as important as those which we have just been discussing.

Therefore I do not oppose the motion made by Mr. Shaw, but I do request that this may not be a principle in the case of all amendments submitted, even if these amendments are the same as those submitted by the workers and not adopted by the Commission of Fifteen.

Mr. SHAW (Great Britain). A word of explanation. I only proposed the closure on article 4.

The PRESIDENT. That is what I wanted to say. Now, as closure has been pronounced on article 4 and as the amendment of the delegate from Norway has been withdrawn, only Mr. Ilg's amendment remains.

Mr. VARELA (Uruguay). Mr. President, must we vote on the closure now?

The PRESIDENT. Exactly. We are going to vote on the closure. All those in favor of closure on article 4 raise their hands. [Votes for and against are counted.]

The closure of debate is declared by 60 votes to 14.

As the amendment of the delegate from Norway has been withdrawn, we have nothing further to discuss.

A VOICE. I reinstate that motion.



The PRESIDENT. Mr. Ilg's amendment now remains.

The amendment is to substitute for the record sentence in article 4:

In addition every worker shall be entitled to a corresponding number of days of holiday with pay in compensation for the weekly day of rest.

Mr. BALDESI (Italy—remarks in Italian). It is not possible to vote on the Ilg amendment before having voted on the Castberg amendment as drafted by Mr. Castberg.

The PRESIDENT. He withdrew it.

Mr. BALDESI (Italy—remarks in Italian). If he has withdrawn it, then I reinstate it and ask that it be voted on.

Mr. VARELA (Uruguay). I believe Mr. Baldesi made a mistake. Mr. Ilg presented his proposal as a substitute to the amendment of Mr. Castberg.

Mr. BARNES (Great Britain). Might I ask a question, Mr. Chairman? Am I right in thinking that the chairman has decided that there is a closure? If so, why this further discussion?

The PRESIDENT. The position is this: Mr. Castberg withdrew his motion and Mr. Baldesi recalled it. It is a question therefore of putting to a vote Mr. Baldesi's amendment in place of that submitted by Mr. Castberg. All those in favor of the Castberg motion recalled by Mr. Baldesi please raise their hands.

[Votes for and against are counted.]

The amendment is rejected 50 votes to 16.

We now come to Mr. Ilg's amendment. Mr. Garcia requests the floor.

Mr. FONTAINE (France). The general discussion is closed.

The PRESIDENT (addressing Mr. Garcia). Do you wish to speak on Mr. Ilg's motion?

Mr. GARCIA (Ecuador). Mr. Chairman, I want to leave in the record a statement showing the attitude of the delegates from Ecuador toward article 4. I am not raising any question or making any argument or discussing any point. I do not feel that we are bound to the decision of this—

The PRESIDENT. The discussion is closed. There can be no debate on article 4.

Mr. GARCIA (Ecuador). I am not going to discuss any point. I am going to leave in the record a statement showing the way the delegates from Ecuador feel in this matter.

The PRESIDENT. The discussion is closed. We are now going to vote on Mr. Ilg's amendment. All those in favor of adopting this will please raise their right hands.

[Votes for and against are counted.]

The amendment is rejected 47 votes to 7.

We now pass to article 4. May we consider article 4 as adopted? VOICES. Yes.

The PRESIDENT. Article 4 is adopted.

We now pass to article 5. Has anyone an amendment to propose?

Mr. ROWELL (Canada). Mr. President, might I ask the reporter for the commission one question in reference to article 5? One of the schedules made provision for seasonal employments.

As I read the report of the commission, they considered it desirable to eliminate the schedules, but thought the clauses proposed made provision whereby seasonal occupations could be provided for. I should like to ask the reporter for the commission which of the clauses, in his opinion, covers the question of seasonal occupations. Is it covered by 5 or 6?

A VOICE. Six.

Mr. ROWELL (Canada). It is suggested 6. If so, I will defer any consideration of it until we come to 6, but I do not wish to pass 5 without knowing whether the question comes up under this article.

Mr. FONTAINE (France). It is article 6, paragraph 4.

I may say article 5 is aimed in a general way at a very large number of exceptional situations.

The PRESIDENT. Are there any other remarks? Article 5 may then be considered as adopted.

Article 6. Is there any amendment?

Mr. ROWELL (Canada). Mr. President, in article 6 the first clause provides:

First. Permanent exceptions that may be allowed in work of preparation and completion, and for work that must be necessarily carried on outside the limits laid down for the general working of establishments, or for certain classes of work whose work is essentially intermittent.

It has been suggested to me that the last sentence "or for certain classes of work whose work is essentially intermittent" was intended to cover seasonal employment. I should like to know if that was the view of the commission in drafting it.

Mr. FONTAINE (France). No, the second is concerned with seasonal employments:

The temporary exceptions which may be allowed, so that establishments may deal with exceptional cases of pressure of work.

The seasonal pressure of work is included in exceptional cases of pressure of work, as the report indicates. This number 2 replaces Schedule C of the organizing committee, as is explained in the report.

Mr. ROWELL (Canada). With respect to the workers, I would submit that the second section can not possibly cover seasonal occupation. It says, "the temporary exceptions which may be allowed, so that establishments may deal with exceptional cases of pressure of work." It is important to us because of the climatic conditions prevailing in Canada. There are certain occupations, essentially seasonal, which can only be carried on for a limited period, and in the draft convention of the Organizing Committee there was provision for seasonal occupations. I would suggest to the reporter that if it is the intention of the commission to provide for seasonal occupations, as the draft convention did, it can be very easily done by inserting either before or after the word "intermittent" in the last sentence of the first clause of article 6 the word "seasonal," so that it would read, "or for certain classes of work whose work is essentially seasonal or intermittent." I should be glad to know if the reporter sees any objection to that amendment.

Mr. FONTAINE (France). I see a serious drawback in it. Paragraph 1 is concerned with classes of workers whose work is intermittent, such as doorkeepers, gatekeepers, and it is better not to confuse questions relative to classes of workers with other more general and quite different questions.

Industries which are carried on at certain times of the year only are included in paragraph 2. When there is exceptional pressure of work at such periods—which may happen in France in the manufacture of perfumery—then account needs to be taken of the situation. In short, if there is no exceptional pressure of work there is no necessity for providing for additional hours, and if an exceptional case arises, then additional hours may be provided for. Every possible contingency is provided for in either the first or the second paragraph, and, whenever necessary, agreements may be effected between employers and workers and exceptions decided upon.

Mr. PAUS (Norway). I think that the regulations made by the competent authorities after consultation with the employers' organizations and workers' organizations interested, and so on, ought to be given as a rule and not in each instance. I will therefore propose that these words "in each instance" be omitted.

The PRESIDENT. Does anyone second the amendment of Mr. Paus?

(No response.)

The amendment is not seconded. Consequently I believe that, as Mr. Rowell has exhausted his right to speak and as the reporter has answered all the questions which were asked him, I may consider discussion of article 6 as closed. Therefore, without objection, article 6 is carried.

I pass to article 7. Is there any amendment?

There is no amendment. Article 7 is considered as carried.

Article 8 is now up for discussion. Is there any amendment?

There are no amendments. That article is also carried.

We now come to article 9. The reporter has the floor.



Mr. FONTAINE (France). Mr. President, I saw in this morning's report that the commission on tropical countries had submitted its text in the form of a separate convention. It would thus be well to delete article 9, call article 9 10 and article 10 11.

The PRESIDENT. There is no opposition? It is a simple change. The proposal of the reporter is therefore carried.

We shall proceed to article 10.

Mr. ILG (Switzerland). I move that the words "in event of war" be deleted. They are unnecessary. It is understood in this convention that in case of war the convention will be suspended by the Governments concerned. Moreover, it is self-evident that in the event of war the conference could not say whether it were necessary. I should prefer that in speaking of the eight-hour day in this convention there should be no mention of war. For that reason I wish to delete the words "in the event of war."

The PRESIDENT. Is this amendment seconded?

Mr. FONTAINE (France). Mr. President, I am sure all the members of this assembly wish that there might be no more war, and that a large number of us hope there will be no more war. But the commission nevertheless drew up the text in case that, contrary to all expectations, there might be another war. In practice, I do not hesitate to admit that this text is useless, because if a nation declares war she is not going to be concerned with our text. She will arrange for the additional hours which are necessary for purposes of defense. But it is precisely because, in the improbable case of war, these exceptions might be made that it seems more honorable to say so.

Mr. VARELA (Uruguay). I am going to vote for Mr. ILG's amendment because I consider it fruitless to talk of war. The last phrase "emergency endangering the national safety" is more general and necessarily includes the case of war.

The PRESIDENT. No one has seconded the amendment.

Mr. VARELA (Uruguay). Yes, I seconded it.

Mr. FONTAINE (France). I am afraid that omission of the words "in the event of war" would result in injurious extension of the words "in the event of emergency endangering the national safety." When these words follow the words "in the event of war" their meaning is quite clear, but when they are isolated attempts can always be made to abuse them. I believe that it is preferable, and I am not trying to make this dramatic, but I believe that the temptation to abuse the words "in the event of emergency endangering the national safety" will be greater if the words "in the event of war" do not precede them. We have explained why the rest was added—because of the law in certain countries which provides for the event of war. I believe that the text should be left as it is, and I repeat my hope that it may never need to be used.

Mr. ILG (Switzerland). I consider the question of slight importance, but I admit that the reporter is right in his observations.

The PRESIDENT. Then the amendment is withdrawn?

Mr. ILG (Switzerland). No.

The PRESIDENT. Those in favor of adopting it please raise their hands.

[The votes are counted.]

Those opposed please raise their hands.

[The votes are counted.]

The amendment is rejected 40 votes to 4.

We shall now proceed to article 11, which has become article 10. Are there any amendments?

[No amendments are proposed.]

There are no amendments, and the article is therefore considered as carried.

We have now come to the end of our task, but I do not wish the remarks I made at the beginning of the session, simply with the desire of accelerating our work, to be interpreted as a wish to prevent anyone in this assembly from speaking. I desire to perform the duties which have devolved upon me for the moment as impartially as possible, and I am of the opinion that, if the assembly sees no objection, the statements of principle which were announced to us

a short time ago should be made before we vote on referring the convention to the committee on drafting.

Mr. GARCIA (Ecuador). I want to know if we are going to vote on this draft convention now or when it returns from the drafting committee.

The PRESIDENT. The answer is in the affirmative. We are not taking a final vote now. The draft convention must be referred to the committee on drafting, and after examination by that committee it will be returned to the conference and a final vote will then have to be taken.

Mr. GARCIA (Ecuador). We have acted entirely differently with the night work. About the night work the chairman, Mr. Wilson, ruled that we were to vote here on the draft convention and that a two-thirds majority will not be required until it returns from the drafting committee. That was the decision of Mr. Wilson on the night work.

The PRESIDENT. There has been a misunderstanding.

Mr. PAUS (Norway). Mr. President, before we vote I want briefly to explain why I am going to vote against the draft convention submitted by the commission. I can tell you that the Norwegian employers, whom I am representing in this conference, by agreements between their association and the labor unions in all Norwegian industry, including the continuous industries, adopted the 48-hour week before the law of the 11th of July of this year, whereby this working time was enacted and which is going to be put into force the 1st of January, 1920. Of course, therefore, I would willingly have voted for an international convention for 48 hours in all industries. But to adopt the same for ships as a principle at this conference is in my opinion a very serious matter. We must not forget that this question has not been prepared by the organizing committee, and no examination of the consequences of this proposal for the seafaring nations has been made. And, as it has been mentioned before in this discussion, among the members of this conference those who have any experience in this matter are surely very few. We have to consider that a certain minimum crew has to be at work night and day, which means that it is necessary to take more men than now, and how shall these new men get beds in a ship where there is no bed vacant? I mean that all the provisions relative to transport by sea ought to be determined by a special conference dealing with maritime employment, and that we should not here bind that conference by a resolution of this conference.

I regret that Mr. Rowell withdrew his proposal in this matter. I would have voted for that. Now I have no other recourse than to vote against the whole draft, if no change is made in this very important point.

The PRESIDENT. Gentlemen, we now have to vote on the draft convention, not finally, but in order to refer it as amended to the committee on drafting. The committee on drafting will then bring it to completion and it will be returned to the conference to be finally voted on and passed by a majority of two-thirds in conformity with the standing orders.

I shall put the temporary adoption of the proposal to a vote. All those in favor of adopting it please raise their hands.

[The votes are counted.]

Those opposed please raise their hands.

[The votes are counted.]

The motion is carried 64 to 1. [Applause.]

We now have to consider the following motion proposed by Mr. Jouhaux and Mr. Baldesi:

The conference declares that in no case shall the wages of workers be reduced by specific reason of the enforcement of the eight-hour day and the 48-hour week. This is proposed in order that the various conditions existing in certain industries and allowed by this convention to stand may not be made worse by reason of any lower rate of wages imposed on workers

Mr. Jouhaux has the floor.

Mr. JOUHAUX (France). I do not want to take up the time of this conference. I simply wish to show in a few words the importance of this amendment, which may seem insignificant in the



eyes of some. It seems difficult not to vote for the resolution which is submitted, the more so as it does not affect the convention, and as it is only the expression of a wish which we would like to have unanimously expressed by the conference.

It must not be forgotten that certain workers' delegates came to this conference backed by legislation on the 8-hour day and the 48-hour week far superior, from the point of view of social reform, to that recommended by the convention for universal application. Now, it may be that when they return to their respective countries advantage will be taken of this convention not to withdraw the advantages gained in the decrease of the number of working hours, but to demand a decrease in the wages under one form or another of these same workers in these same countries by alleging the necessary equality in the cost of production.

Do not forget that the convention gives to certain large industrial countries the right to allow 56 hours per week in iron and steel industries when such countries have labor, ore, and coal; and that in certain other countries, such as Italy, the 48-hour week obtains in these industries, though these same countries lack coal and ore. As a result, there is a flagrant inequality in the development of these industries, and the conference must not overlook it. That is our reason for asking the conference, which this time has been unable to determine conditions rationally according to which industries the world over should be developed on an equal footing, to vote unanimously for the resolution we have submitted.

The PRESIDENT. Mr. Moore has the floor.

Mr. MOORE (Canada). I was wondering, Mr. Chairman, whether that would in any way conflict with the final part of the report of the commission. We have dealt with the draft convention, but there are also two resolutions which were passed by the commission in its report, and, I take it, have got to be dealt with by this conference. I find that a resolution agreed to and submitted by the commission reads pretty nearly the same as the proposal by Mr. Jouhaux, and I was wanting to know from you as to what position this conference was in—whether we were ignoring the latter part of the commission's report, or if we were going to take it, in which event it would be nonessential to take the resolution as submitted by Mr. Jouhaux and Mr. Baldesi. If we are dealing with this, I would like to speak one moment on it.

Are we to deal with this?

The SECRETARY GENERAL. Yes.

Mr. MOORE (Canada). Will we take it as dealing with Mr. Jouhaux's motion, or the latter part of the commission's report?

The SECRETARY GENERAL. Which is the resolution?

Mr. MOORE (Canada). On page 288 [Provisional Record].

The SECRETARY GENERAL. There are two?

Mr. MOORE (Canada). There are two resolutions. It is the second one. They cover pretty nearly the same wording.

The SECRETARY GENERAL. The President thinks it is rather difficult to answer your question. It really should be addressed to Mr. Jouhaux.

Mr. MOORE (Canada). In my opinion it would simply be, if we were dealing with the commission's report, that Mr. Jouhaux's would be an amendment to that resolution.

On the other hand, if we passed Mr. Jouhaux's and then went back to the commission's report, we would find a conflict in having to deal with the subject matter of the commission's report itself.

Mr. JOUHAUX (France). No; certainly not.

Mr. BALDESI (Italy). No, no.

Mr. MOORE (Canada). I may suggest to Mr. Jouhaux that he withdraw it until we have completed the commission's report. Then, if he thinks it essential, he might introduce it, with your permission, Mr. Chairman.

Mr. JOUHAUX (France). No, no. He has only to vote on the resolutions following the report.

Mr. MOORE (Canada). That is quite satisfactory.

With that in view then, Mr. Chairman, I just want to take this opportunity to say briefly that the resolution in the committee's report

does not entirely meet with what I think it ought to, inasmuch as it deals with the past and the present, but does not deal with the future condition of the workers. It states that the conditions already in operation or agreed on shall not be interfered with and the agreements and negotiations shall not be interfered with, but it does not state that any better conditions which may be asked for should not take place. I have the assurance of the committee, however, that that is the spirit and the intention of the resolution, and I want to make plain at this juncture that I am entirely in harmony with the statement made by Mr. Shaw. I was part of the committee, and though I have stated clearly that this resolution, in my estimation, is not as clear as it might be, as part of that committee I feel that we should support the committee's report. A committee's report at all times must be a compromise agreement, and therefore I am stating clearly my position, but at the same time I am going to vote for the acceptance of the report as the committee has made it, and I trust that others will do the same. I also want to make clear in saying that there was perhaps no country which led the fight for something different from the entire report, including this question of the conditions of the workers, more consistently than Canada itself did.

But we intend and we accept the explanation made by Mr. Shaw, that the convention and anything that we vote upon must be accepted as a minimum and not a maximum condition. I want to assure this convention on behalf of the workers of Canada, whom I am representing at the present time, that we will endeavor to give all the support possible to the Government of Canada to see that the obligations of the treaty are carried out to the fullest extent. And I want your permission simply to state that we disassociate ourselves entirely from the declarations made by Mr. Parsons on behalf of the employers—of isolation from the rest of the world affairs and subservience to the United States. We want to cooperate absolutely and to bear out the statement of Mr. Rowell, that Canada has made obligations, and the workers on their part will fulfill them. I am appealing to you now to give this resolution almost as unanimous a vote as you did the convention itself—though we may not agree exactly that it covers all that we want, in the knowledge that it is an agreement which the employers, the Governments, and the workers have reached after lengthy discussion and the fullest of argument—so that the results of this conference on the eight-hour question can go before all the countries of the world as almost a unanimous declaration, carrying more weight than it could if it went merely as the expression of one or more groups and not of all the groups of the convention.

The PRESIDENT. Gentlemen, the draft drawn up by the commission mentions two draft resolutions. The first is that proposed by Mr. Barnes, to the effect that this commission give sympathetic consideration to the distress of the populations of the devastated areas. I consider that this is not a matter for our concern; not only the commission but also the conference were unanimous on this question.

The second is as follows:

The provisions of this convention shall not interfere with any better conditions already in operation, or agreed upon, for all or part of the workers of any country.

Neither shall they interfere with any negotiations now pending in which the workers are asking for better conditions than the convention provides.

That is the resolution to which Mr. Moore alluded. Is this the resolution which Mr. Jouhaux wishes to amend?

Mr. JOUHAUX. No. This resolution is concerned with the number of working hours, and that which I proposed along with Mr. Baldesi is concerned with wages.

The PRESIDENT. Is there any objection to our first putting to a vote the motion laid before the commission by its chairman?

Mr. JOUHAUX. None.

The PRESIDENT. Well, then, I shall put to a vote the resolution contained in the report of the commission on the eight-hour day. All those in favor of adopting this motion please raise their hands.

[Hands raised.]

Unanimously adopted.



We now come to the motion proposed by Mr. Jouhaux and Mr. Baldesi.

Mr. GONDRA (Paraguay—remarks in Spanish). As there is no interpreter present, I am going to attempt to translate my remarks myself. First of all, I must beg the pardon of the French delegates for using such execrable French. I have just said that I second the motion presented by Mr. Jouhaux and Mr. Baldesi, because the delegation from Paraguay intends that incorporation of the American principle that human labor shall not be considered as merchandise shall include the principle, not only of limiting the working day, but also of the minimum wage in the various industries. The delegation from Paraguay announces, in this connection, that it is going to adopt the recommendation that this question be considered at the next conference. Now, I believe that it would be fair to prevent wages which have been obtained by the Italian workers, for instance, in Italy, in conformance with ordinary living conditions in this country, from being decreased, owing to the change in the length of the working day. That is the reason that the delegation from Paraguay seconds the motion made by Mr. Jouhaux.

Mr. ROWELL (Canada). Mr. President, a point of order. Under the rules of order which we have adopted, as I recollect their terms, a substantive resolution can not be dealt with by the conference unless two days' notice is given. Under these circumstances, I submit there is nothing to be gained by discussing this resolution at the present time, as we can not proceed under the rules to vote upon it. There is also another objection, which I think would be equally fatal, although it is not necessary to make it, that is, that it deals with a subject quite outside the agenda. If this conference wishes to carry weight with the Governments concerned, it must confine itself to matters covered by the agenda.

Mr. FONTAINE (France). I have no objection to make to the proposal of Mr. Rowell that the motion be distributed and read before we vote on it to-morrow. This will entail a small loss of time, perhaps, but it is the regulation and there is nothing to say. But I can not accept the point of view that the motion is out of order and outside of the question under discussion. First of all, the motion contains no directions; it is the expression of an opinion, a desire. That is the first point. The second point is that it is so far from being outside the question that almost all countries which have passed an eight-hour law have adopted this provision. Possibly, you may say, this provision is not of exceptional interest, in that it does not regulate the matter, but leaves it open to discussion before legislatures.

This provision simply has the advantage as regards the laboring classes of showing that the legislator has not tried to reduce wages in revising the number of hours of work. He did not attempt to determine wages; he simply wished to state that, in fixing the number of hours of work, he hoped to obtain a promise from the employers that they would not touch wages, and that was all. Well, I repeat that I do not consider the question outside the scope of the agenda, because it has been inserted in many laws regarding the eight-hour day. Neither do I think there would be any objection to distributing copies to-morrow and putting the question to a vote. I am convinced, moreover, that those who vote against it will in fact be in agreement with those who vote in favor of it, and that everybody is of the same opinion on this subject.

The PRESIDENT. Since Mr. Rowell brought up the point of order his motion has to be put. It is in the standing orders that the motion must be printed and copies circulated. On the other hand, the authors of this motion do not object to suspension of this regu-

lation. That is enough. Under these circumstances I move that the meeting be adjourned. I do not want anyone to accuse me of prolonging the discussion to the point of risking death by starvation. I propose that we meet this afternoon at 2.30.

The meeting is therefore adjourned until 2.30 p. m.

The following delegates were present:

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| <b>Argentina:</b><br>Dr. Leonidas Anastasi,<br>Mr. Hermenegildo Pini,<br>Mr. Americo Balino,<br>Dr. Felipe Espil.  | <b>Japan:</b><br>Dr. Minoru Oka.<br>Dr. R. Godai (substitute for Mr. Sanji Muto).<br>Mr. Uhei Masumoto.   |
| <b>Belgium:</b><br>Mr. Armand Julin (substitute for Mr. Michel Lévie).<br>Mr. Jules Carlier.<br>Mr. Corneille Mertens.   | <b>Netherlands:</b><br>Mgr. W. H. Nolens.<br>Mr. G. J. van Thienen.   |
| <b>Brazil:</b><br>Mr. Afranio de Mello Franco.<br>Mr. Carlos Sampaio.  | <b>Nicaragua:</b><br>Señor Don Ramon Enriquez.  |
| <b>Canada:</b><br>Hon. Newton W. Rowell.<br>Mr. S. R. Parsons<br>Mr. Tom Moore (substitute for Mr. P. M. Draper).  | <b>Norway:</b><br>Judge Johan Castberg.<br>Judge I. M. Lund.<br>Mr. G. Paus.<br>Mr. J. Teigen (substitute for Mr. Ole Lian).  |
| <b>China:</b><br>Mr. Lingoh Wang.  | <b>Paraguay:</b><br>Dr. Manuel Gondra.  |
| <b>Czecho-Slovakia:</b><br>Mr. F. Stastny (substitute for Mr. R. Tayerle).   | <b>Peru:</b><br>Mr. Vicente Gonzalez.<br>Mr. Victor A. Pujazon.   |
| <b>Cuba:</b><br>Mr. Carlos Armenteros y Cardenas.<br>Mr. Francisco Carrera Justiz.   | <b>Poland:</b><br>Mr. Franciszek Sokal.<br>Mr. Jozef Rymmer.<br>Mr. Edmund Bernatowicz.   |
| <b>Denmark:</b><br>Mr. S. Neumann.<br>Mr. B. Dahlgaard (substitute for Mr. C. V. Bramsnaes).<br>Mr. C. F. Madsen.<br>Mr. H. Vestesen.                              | <b>Portugal:</b><br>Mr. José Barbosa.<br>Mr. Alvaro de Lacerda.<br>Mr. Alfredo Franco.  |
| <b>Ecuador:</b><br>Dr. Don Juan Cueva Garcia.  | <b>Roumania:</b><br>Mr. C. Orghidan.<br>Mr. Gregoire Michaesco.   |
| <b>Finland:</b><br>Judge Nillo A. Mannio,<br>Mr. Robert Lavinus.<br>Mr. Matti Paasivuori.  | <b>Serbs, Croats, and Slovenes:</b><br>Dr. Velimir Stoykovitch (substitute for Dr. Slavko Y. Grouitch).<br>Mr. Marko Bauer.<br>Dr. Ludevit Peritch.                       |
| <b>France:</b><br>Mr. Arthur Fontaine.<br>Mr. Max Lazard.<br>Mr. A. Goineau (substitute for Mr. Louis Guérin).<br>Mr. Léon Jouhaux.                                | <b>Siam:</b><br>Phya Prabha Karavongse.<br>Phya Chanindr Bhakdi.  |
| <b>Great Britain:</b><br>Right Hon. G. N. Barnes.<br>Sir Malcolm Delevingne.<br>Mr. D. S. Marjoribanks.<br>Mr. Tom Shaw (substitute for Mr. G. H. Stuart-Bunning). | <b>South Africa:</b><br>Mr. H. Warrington Smyth.<br>Mr. William Gemmill.<br>Mr. Archibald Crawford.   |
| <b>Greece:</b><br>Mr. John Sofianopoulos.<br>Mr. Timoleon Lamprinopoulos.  | <b>Spain:</b><br>Viscount de Eza.<br>Mr. Adolfo Gonzalez Posada.<br>Mr. Alfonso Sala.<br>Mr. Francisco Largo Caballero.   |
| <b>Guatemala:</b><br>Mr. Francisco Sanchez Latour.<br>Dr. Ramon Bengoechea.<br>Mr. Alfredo Palomo Rodriguez.<br>Mr. Manuel Moreno.                                 | <b>Sweden:</b><br>Dr. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg).<br>Senator R. G. Halfred von Koch.<br>Senator Hjalmar von Sydow.<br>Mr. A. Herman Lindqvist. |
| <b>India:</b><br>Mr. Narayan Malhar Joshi.<br>Mr. Atul Chandra Chatterjee.   | <b>Switzerland:</b><br>Dr. Hans Sulzer.<br>Dr. Hermann Rufenacht.<br>Mr. Dietrich Schindler.<br>Mr. Conrad Ilg.   |
| <b>Italy:</b><br>Baron Mayor des Planches.<br>Dr. G. di Palma Castiglione (substitute for A. Cabrini).<br>Mr. Gino Baldesi.  | <b>Uruguay:</b><br>Dr. Jacobo Varela.   |
|  | <b>Venezuela:</b><br>Dr. Don Santos A. Dominici.<br>Mr. César Zumeta.   |



## NINETEENTH SESSION—TUESDAY, NOVEMBER 25, 1919.

The conference convened at 2.45 o'clock p. m., November 25, Mr. Jouhaux (France), vice president of the conference, presiding.

The PRESIDENT. Ladies and gentlemen, being called upon to preside over the conference this afternoon, I hope that you will make my task easy by keeping within the limits of the discussion so that the debate may be carried on under normal conditions, without too many motions dealing with points of order. The discussion this afternoon is of great importance, and all necessary explanations should be made clearly and not obscured by side issues. I feel that my task will be rendered more easy by this course. With this hope I give the floor to Mr. Butler, the secretary general, who has a communication to read.

The SECRETARY GENERAL. I have to announce the results of the elections which have taken place in the three groups for members of the governing body of the International Labor Office.

In regard to the Government delegates, the following letter has been received from Baron Mayor des Planches, who is chairman of the Government delegates:

SIR: Article 393 of the treaty of peace provides that of the 12 members representing the Governments on the governing body of the International Labor Office 8 should be nominated by the high contracting parties of chief industrial importance, and 4 by the high contracting parties designated for the purpose by the Government delegates attending the conference itself, excluding the delegates of the 8 States already indicated.

I have the honor to bring to your notice and, through your good offices, to the notice of the conference, that the delegates of the States concerned met under my chairmanship and after a long and arduous discussion proceeded to make the required election.

Thirty-six delegates from the following countries attended the meeting:

South Africa, Argentina, Bolivia, Canada, Chile, China, Cuba, Colombia, Czechoslovakia, Denmark, Ecuador, Finland, Greece, Guatemala, India, Nicaragua, Norway, Netherlands, Panama, Peru, Poland, Portugal, Roumania, Serbia, Siam, Spain, Sweden, Uruguay, and Venezuela.

Delegates from the following States took part in the discussion: Portugal, Netherlands, Roumania, Spain, India, Greece, China, Czechoslovakia, Sweden, Norway, Poland, Cuba, Serbia, South Africa.

Finally, the following four States were chosen to be represented on the governing body: Spain, Argentina, Canada, Poland, these countries obtaining 29, 26, 20, and 16 votes, respectively, out of a total of 31 votes.

Denmark and Roumania each obtained 9 votes, Norway 4, India 3, Cuba and Sweden 1 each.

In the event of the supreme council of the League of Nations having to fill a vacancy in the number of the 12 States named or elected, the Government delegates at the meeting referred to above thought it necessary to recommend the name of a substitute member of the governing body, who in their opinion should be one of the States of northern Europe, and they agreed that the State in question should be Denmark.

The delegates of China and India advanced reasons which should, in their views, have led to a different choice being made, the principal of these reasons being the importance of their united populations which represent more than one-third of the total inhabitants of the globe. The delegate of China nevertheless expressly declared that he made no demand on behalf of his country. Further, the Indian delegates, through Mr. Kershaw, refused to take part in the election, against which they protested and demanded that their protest should be communicated to the conference. They considered that as the council of the League of Nations has not pronounced on the objections made to the list of the eight States of chief industrial importance as proposed by the organizing committee, the governing body could not be chosen unless there was complete unanimity, which had not, in fact, been secured.

So that the Government members of the governing body will be nominated by the following countries: Belgium, France, Great Britain, Italy, Japan, Germany, Switzerland, Spain, Argentina, Canada, Poland, and, pending the appointment of the United States representative, Denmark.

The employers' nominees are:

Sir Allan Smith, Great Britain.

Mr. Guérin, France.

Mr. Pirelli, jr., Italy.

Mr. Jules Carlier, Belgium.

Mr. Hodacz, Czechoslovakia, and, pending the appointment of a representative of the United States employers, Mr. Schindler, of Switzerland.

The workers' representatives are:

Mr. Jouhaux, France.

Mr. Oudegeest, Netherlands.

Mr. Stuart-Bunning, Great Britain.

Mr. Lindqvist, Sweden, and, pending the appointment of a representative of the United States, Mr. Draper, of Canada. The sixth place is to be filled by a German worker, and a telegram has been sent to the German Government inviting them to nominate a Government delegate and to communicate the name of the German workers' delegate.

Dr. JUSTIZ (Cuba). I shall speak only a few minutes in the Spanish language, and I have asked one of the advisers of the Cuban delegation to translate my remarks. (Further remarks in Spanish.)

I wish to express satisfaction at the appointment of the Argentine Republic to the International Labor Office, but I should like in the following memorandum to call attention to the fact that but a single place has been assigned to the 20 Latin American countries in this body.

Whereas the system established for the designation of the 24 persons who are to compose the International Labor Office, if it is to respond sincerely to the high purpose of carrying out international aims, must endeavor to make an equitable distribution of forces within the organization and to represent, in the most rational and considerate manner, all groups of nations, the interests of which are affected by the work of the International Labor Office on which the action of the future conferences will in a great measure depend; and

Whereas that necessary equity, on the basis of reason and discretion, would appear not to have been given sufficient attention if, out of the 24 places in the International Labor Office, 23 were assigned to the European nations, to the United States, and Japan, leaving only one to be allotted to the Latin American countries; and

Whereas that distribution, no matter what motive or procedure brought it about, is evidently against the spirit of equity which should always prevail where international interests are concerned; and

Whereas it is important to consider that this group of 20 nations, occupying a part of North America and the West Indies and Central and South America, is a factor of great and growing importance, both in a political and economic sense and especially as regards industry and labor, so that it can never be satisfactorily explained why all these countries should together be allotted only a single representative on the governing body of the International Labor Office:

Therefore, the undersigned delegates from Latin American nations have agreed to present their views before this International Labor Conference, and to request that the conference, by such procedure as may seem fit, amend the injustice of allotting to the group of 20 Latin American countries only one representative out of the total of 24 composing the International Labor Office, and should there be no means of complying with their request they wish to make known by this means their disagreement with the distribution that has been made.

This document is signed by all the representatives of the Latin American countries present at this conference.

Dr. GARCIA (Ecuador). I have subscribed to the protest of the delegates of the Spanish-speaking countries, because I consider that they are absolutely just in their complaint.

The honorable Mr. Rowell, one of the committee, said that we must not make this conference a European affair, but an international affair. Of 120 members that have composed the committees to study the different matters of this international conference, 100 have been Europeans; 2 have been from the Spanish-American countries, and the balance have been divided among the rest of the world. In the body that we are now selecting 20 members are from European countries, 3 members from non-European countries, and 1 member from the 20 Latin American countries. If these things happen while we are in America, what is going to happen when we have the next meeting in Europe? Twenty-four members will be Europeans, and the 120 of the committees will be Europeans also. Mr. Rowell was absolutely right when he remarked that this conference was an international conference, not a European conference. That is the reason why I have subscribed to the protest of all the Spanish-speaking countries.

The PRESIDENT. I do not think that the conference can discuss the question just raised, since the elections took place under



the sponsorship of each group. Now that the protests have been voiced, I think that we can pass on to a consideration of the agenda, which calls for the question of unemployment.

Mr. MAHAIM (Belgium). I move a closure of the debate.

The PRESIDENT. Prof. Mahaim, of Belgium, has moved a closure of the debate. I shall consult the assembly to ascertain whether this motion is accepted. Those in favor of closure, please manifest it by raising their right hands.

[Votes counted.]

Those opposed, please raise their hands.

[Votes counted.]

The motion is carried 55 to 16.

Mr. CRAWFORD (South Africa). Mr. President, I desire you to note that I intend to lodge an objection against the method of electing members of the governing board. My letter is being typed now and will be submitted to the secretary general in due course.

The PRESIDENT. Reserving the reading of Mr. Crawford's letter until later, I think that the conference should now pass on to an examination of the question on the agenda, i. e., the question of unemployment; and if the conference is of the same opinion, I shall recognize Mr. Max Lazard, who is the reporter of this question.

Mr. GEMMILL (South Africa). Mr. President, I wish to lodge a similar objection to that which Mr. Crawford has entered.

The PRESIDENT. Mr. Max Lazard is recognized.

Mr. LAZARD (France). Ladies and gentlemen, on behalf of the commission on unemployment, I have the honor to lay before you a report on the two distinct problems which were referred to this commission for examination. The first of these problems was point 2 of the agenda, and was thus headed: "Preventing or providing against unemployment." The second subject was a motion presented by Mr. Baldesi calling for a report on the principle of equality of treatment, on the basis of reciprocity between foreign and native workers. At its session of November 3, the conference referred this second question to the commission on unemployment in preference to designating, as Mr. Baldesi requested, a special committee of seven members for this purpose. In so doing it pointed out, and indeed this had been explicitly stated, that there was a certain connection between the question raised by the Baldesi motion and the question of unemployment, a connection, however, which does not make the two subjects overlap—nobody claims that, far from it—it is simply a connection up to a certain point.

In fact, reciprocity of treatment in favor of foreign workers must apply particularly to foreign workers out of employment, and consequently protection of foreign workers out of employment comes under protection of unemployed workers.

On the other hand, there is a whole category of workers who perhaps are not "stricto sensu" out of employment but whose position resembles that of the unemployed; these are workers who are on the point of emigrating for the sake of seeking their fortune and looking for work in another country. As soon as they make up their bundles to go away, they are no longer employed workers, but, rather, people off in search of their living. During their period of travel they are not employed workers, but, rather, persons whose position is similar to that of an unemployed worker who is traveling the roads of his native country in order to find work. When they have crossed the frontier of the country in which they intend to settle down or to work—that is, when they have been legally admitted into this other country in conformity with the laws of the land—there is a period during which they can hardly be classed absolutely as unemployed but during which their condition is very close to that. They must look around to see in what direction they have the best chances of being taken on.

From these two angles, the status of unemployed foreign workers in any country and the special problems of emigrant workers during the period of transition which separates them from their former employment and their new employment—from those two angles, I say, the question raised by the Baldesi motion did bear relation to

the question of unemployment. Without doubt it was for that reason that the conference referred the consideration of this question to the commission on unemployment. However, the two questions not being identical and not overlapping, the commission on unemployment preferred to make two distinct reports, or, rather, to present two distinct recommendations contained in a single report in the interest of lucidity and comprehensiveness in order that you may judge of their general significance.

I shall present these two groups of conclusions as we presented them in our report; i. e., separately: First, the series of proposals dealing with the struggle against unemployment (including what in this connection has to do especially with foreign workers); and, on the other hand, the proposal concerning the treatment to be granted in general to foreign workers, or the question raised by the Baldesi motion.

It is not my intention to read the report to you; you have all seen it. I desire only to give you the spirit of it, to single out the essential principles in such a way that you may know where you stand when it comes to taking a vote.

As regards the question of unemployment, which has been referred to the committee at full length and with all its complications, we have been very careful to remain practical, to lay before you only proposals relating to things which are possible, immediately possible, and to prepare for the future in so far as one can prepare for it. On the other hand, we were desirous of avoiding everything which might resemble platonic vows or affirmation of principle which would not advance the struggle against unemployment, the special form of effort with which you are justly concerned. In order to put our program into execution, and at the same time taking into consideration the complexity of the subject, we have been obliged to make use of all the methods placed at the disposal of the committee; i. e., (1) draft conventions, (2) draft recommendations, (3) draft resolutions.

You know the difference between these various forms of action. With regard to the resolutions, I will only remind you that we look upon them essentially as being instructions addressed to the governing body of the International Labor Office for its guidance. This is in conformity with a paragraph in article 396 of the peace treaty, which says in a general way that the Labor Office shall receive, in addition to the powers indicated in the present article, such other powers and functions as the conference shall consider fit to confer upon it. Such are the resolutions that we have presented; such is their spirit.

Secondly, we presented resolutions concerning an item to be included within the agenda of the next conference. Here again we followed strictly the text of article 402 of the peace treaty, which provides that any question shall be placed on the agenda of the following session if it receives a majority of two-thirds of the votes.

In the report which we brought in these three classes of proposals are presented to you from two distinct angles: (1) The logical angle, (2) the judicial angle. It is on the proposals grouped according to their judicial nature that you will have judgment to pronounce—on the proposals called conventions, recommendations, and resolutions. But in order to explain the bearing of the three proposals, to make you grasp their utility, I consider it necessary to lay before you the very brief observations which I have to offer. I am following a logical order, bringing together the proposals according to their subject; and you will note particularly that my intention has been to classify the subjects according to their importance. You will see exactly what we think we ought to propose as a remedy for unemployment.

I shall begin with proposals regarding placement of workers.

There is no need, in an assembly of specialists like this, for me to remind you of the importance acquired by public employment agencies in various countries and of the very great interest attached to them in every country, an interest which attaches also to the development of all these public employment bureaus.



We were desirous of giving as strong an impetus as possible to the development of these institutions, and for that reason we propose an article of a draft convention, the purpose of which is to have the States which shall ratify the convention, if they have not already done so, create in their respective countries a ramified system of free public employment exchanges. We laid down a second point, namely, that these free public employment exchanges shall function with the support of consulting committees of employers and workers, who shall give advice on the operation of these exchanges to the competent authorities; in fact, we laid down the principle that these national systems of public employment agencies should be coordinated through the medium of the International Labor Office. Such is the physiognomy of the article of the convention aiming at the development of networks of free public employment agencies in the different countries.

To this we added two recommendations. One concerns the precautions to be taken against employment agencies which carry on their business for profit—employment bureaus which carry on the trade of finding employment for people. You know that in Europe especially these agencies are very often merely a means of exploiting workers; and we recommend to the States that they keep such institutions under the strictest surveillance, and even as far as possible suppress them. In any case do not let them function except under a system of licensing.

Finally, we have a second recommendation which aims at a particularly important point, one which seems necessary, especially in the period just beginning; to wit, the recruiting of workers in one country to be employed in another country. It is probable that as a consequence of the upheaval caused by the war, the search for foreign labor, by certain countries involved in and particularly tried by the war, will be undertaken on a large scale, and we recommend to the States that they take precautions before permitting this recruiting of large numbers of workers in one another's territory.

We believe that this collective recruiting ought not to be authorized without a previous general understanding between the countries interested, and without consulting the organizations of employers and workers in the industries concerned, since these organizations alone can say whether it is in the general interest that workers be displaced as is proposed.

Such are the recommendations on the placement of workers.

Next, I shall take up the second remedy for unemployment—unemployment insurance.

Under this heading we propose three means: First, we offer a recommendation of a general nature in favor of as early an establishment as possible, in each country, of some kind of unemployment insurance, whether it follow the State system established by England in 1912, or a system of subvention for private concerns of the type known as the Ghent system. Secondly, apart from this first proposal, we have a resolution that the question of embodying a provision to the effect of the above recommendation in a draft convention shall be placed on the agenda of the next conference. In other words, we think it is necessary to draw to the attention of the countries immediately the necessity for creating some system of unemployment insurance in the broad sense of the word. We should like the countries taking our recommendation into consideration to establish systems where there are none at present, making it possible at a later session to pronounce a more enlightened judgment upon the choice between the two systems under consideration. In other words, we think it is essential to recommend one or the other immediately, and in a very short time a preference for one or the other can be established. That is why we make a recommendation on the one hand and a resolution on the other.

Finally, to this is added an article in a draft convention which touches upon the peculiar question of the treatment to be accorded foreign workers who might find themselves unemployed in the country where they had been working. We request that these workers, if belonging from the point of view of nationality to a country in which unemployment insurance is established shall have the right, sub-

ject to special conventions to be passed between the States interested, to an indemnity calculated upon a rate equal to that in effect for the natives of the country in which such foreigners are working. That is the system which we have the honor to lay before you as regards insurance.

I come now to a third kind of measure against unemployment. This consists in an attempt to distribute orders or to allocate work carried on for the public authorities in such a way as to take into account as far as possible the fluctuations of unemployment in general, i. e., fluctuations due to the free play of economic activities. That is a question which has engaged the attention of specialists on the subject these many years.

This question is one of a better allocation as regards time or locality of purchases from public bodies in such a way as to counterbalance some way the lack of private purchases. We found in this plan the only form of prevention of unemployment capable of giving immediate and practical results. We do not think that the States can bind themselves by conventions on this subject; first, because that is not necessary from the point of view of international competition, next because the conditions under which contracts from public bodies are executed are too diverse for an international convention to be able to regulate the form of these contracts. But we believe that there is certainly subject for recommendation there. Those are the three kinds of practical measures which we propose against unemployment.

To this is added a third recommendation, one concerning the data and statistics necessary to strengthen and make more successful the struggle against unemployment. It appeared first to the Organizing Committee who prepared for this conference, then to your committee, that the social phenomenon of unemployment had to be studied with particular care and attention. The phenomenon is very complex; it can not be said as yet precisely on what causes it depends. There are connected phenomena which it would be interesting to study together with the lack of employment itself. There are statistics concerning the institutions which are fighting against unemployment which may be very instructive from the standpoint of prevention of unemployment, of acquaintance with the laws of the phenomenon. Well, we hope that this material may be collected as rapidly and as completely as possible.

Hence two proposals are made: A proposal of a convention by virtue of which the States would engage to supply the International Labor Office in the shortest space of time with all the information not yet collected. This engagement which the States would undertake is one which is, you may say, implied in the very fact of the creation of the International Labor Office by the will of the States. But there are rigid niceties in the draft convention which, I think, will much facilitate the task of the director of the International Labor Office in assembling the information in question. The States will undertake a formal obligation to supply the international center with all necessary information. As the nature of the information to be collected is not yet fully elucidated, we propose a resolution by virtue of which the governing body of the International Labor Office would appoint a special commission charged with the study of exactly what information would be most useful to have.

That is a question much more complex than one would imagine at first; it is a question of the economic signs which might enlighten the Governments on the causes of unemployment and on its fluctuations, and which would perhaps permit us to foresee these fluctuations to a certain extent. That is a kind of problem which in our opinion can not be cleared up without having been deeply studied by a special commission. Those propositions as regards unemployment are seen from a purely national angle, if I may say so.

There remains a fifth proposal relating to the protection of the migratory unemployed workers of whom I spoke at the beginning of this statement, those persons who, at the time they leave their own country, while they are traveling and at the time of their arrival in a foreign land, are in a condition very similar to that of the unemployed.



Now, we can not ignore these migratory workers. On the other hand, we can not deal with them in disregard of the sovereignty either of their native country or of the country to which they are proceeding. It is not a question of that. The national sovereignty of each country, particularly as regards its emigration laws or its immigration laws, remains intact. It would be a question of studying how, with due regard to the sovereign rights of these States, to assure the position of these unfortunate persons in a more effective way than we have been able thus far to do. Well, on this point, too, the organizing committee had set us upon the way; it had proposed the creation of an international commission charged with the study of the question.

We renew the proposition; we make it precise; we say that the commission must submit its report to the next meeting of the conference and we add to it a request for the creation in the International Labor Office of a special section, charged with the administrative study of this question and with the preparation of solutions of it. In our report a whole series of questions was raised which concerned the effective protection to be granted those workers during their period of displacement, in default of an effective national protection. Now, the creation of this section is what we ask of you, in the hope that you will approve its studying the suggestions relating to this way of protecting migratory workers.

The last point that I have to discuss is that of reciprocity. Gentlemen, I have only a word more to add. It is with regard to the attitude which we adopted toward the Baldesi motion. I shall recall to you the origin of this motion. On the 4th of June, 1919, the Labor Commission, which was functioning as a consulting committee of the peace conference at Paris, had presented to the peace conference a resolution dealing with a clause to be introduced into the treaty which was in course of preparation. According to that clause, the workers of the allied and associated powers who should be admitted to the territory of the countries with whom the peace treaty was being negotiated would enjoy, together with their families, the rights and privileges accorded native workers by labor and social laws as well as the conditions governing them, provided that the said allied and associated powers could on their part guarantee reciprocal treatment.

This resolution addressed to the peace conference on the 4th of June by the Labor Commission was not examined until the 20th of August, when the conference decided to refer it for examination to the conference at Washington. It was this proposal that Mr. Baldesi took up again in his motion.

What we did was to try to formulate a general rule, a principle which should cover this delicate question of reciprocity of treatment granted to foreign workers by the different countries interested, a rule under which the countries would make special conventions according to the different domains of social policy that it would be necessary to consider.

The draft convention which we are proposing to you follows almost textually the idea contained in the resolution of the Labor Commission. It is not a formula capable of immediate application, but it is an engagement that the countries would undertake to treat foreign workers in a manner corresponding to the suggestions contained in paragraph 8 of article 427 of the peace treaty. You know that article 427 points out the methods and principles the observance of which appears essential to assure the comfort of the workers, the moral, intellectual, and material comfort of the workers. Well, among these principles there is the following in paragraph 8:

The standard set by law in each country with respect to the conditions of labor should have due regard to the equitable economic treatment of all workers lawfully resident therein.

We must put ourselves in a position to grant this equitable economic treatment. The rule is formulated here only as a desideratum; we thought that we ought not to waste any time in transforming it into a principle binding the various States. Hence the

draft convention which we have laid before you as a result of the Baldesi motion.

All in all, gentlemen, you have, as you have seen by the report, two conventions: One draft convention against unemployment, in three articles, comprising the article on statistics, the article on finding situations, and the article on the reciprocity of the insurance system; a draft recommendation in four articles, two recommendations dealing with finding situations, one recommendation dealing with insurance, and one recommendation concerning public works.

Finally, you have four resolutions, three of which give instructions to the International Labor Office on the way in which its work should be carried on, while the fourth deals with the necessity for including within the agenda of the next conference a draft convention on insurance against unemployment.

Such are the resolutions which we adopted. Some will perhaps find them insufficient, while others will surely find them too complicated and too ambitious. That, I hope, will be a proof that the committee kept to a proper mean and that you will be willing to refer our propositions to the drafting committee with a view to giving them their final form. [Applause.]

I request permission of the president to correct a printer's error which has crept into the French text of the draft convention, dealing with reciprocity of treatment. The French text as printed runs as follows:

Accorderont le bénéfice des lois et règlements de protection ouvriers, ainsi que la puissance du droit d'association dans les limites de l'égalité.

It should read, "dans les limites de la légalité" (i. e., the right of lawful organization). It is just a printer's error, but we were desirous of being precise.

The PRESIDENT. After the reporter, I think it is proper to give the floor to Mr. Baldesi, who has made a minority report on the same question. Granted that there has as yet been no general discussion on this question, it is proper that the two ideas which were called forth within the commission should be elaborated before we begin the general discussion.

Mr. BALDESI (Italy—remarks in Italian). I am not going to oppose the report introduced by the majority. During the debate on several points I was in disagreement with them, and raised several points, but on the whole I accept the proposals that are made in the majority report.

However, I wish to point out that the majority of the commission did not admit the relation that exists between unemployment and the question of the distribution of raw materials. I wish to say that I believe that one very fundamental question and one of the causes of unemployment is precisely the question of the lack of raw materials in certain countries.

I might say that the commission did not wish to go into the question of the causes of unemployment, and limited its efforts to making very mild and minimum proposals for dealing with unemployment when it once exists.

It is very easy to say that men are out of work because there is no work to be had, but the fact that there is no work is very frequently due to the fact that the industries have not got the raw material on which to work, and this leads either to the closing down of the factories or to short time in the factories.

I certainly do not expect this International Labor Conference to be able to solve or suggest a solution for this problem. I do not ask them to pass any decisions on how it should be solved, but I think that it certainly should call attention to this question which is largely the base of the whole question of unemployment.

There will certainly be people here who will object to this question, saying that during the war we had a sample of government control of raw materials, and that it worked to the injury of industry and of commerce, but I would point out that there was not one of the countries that went in for such control which did not have to do it so as to avoid the evils that would have resulted through speculation and individual interests in governing this matter.



I therefore wish to call the attention of this body to this question. I do not propose to do more than that. In this connection I have also brought up in my proposal the question of ocean carriage. The relation of questions of ocean carriage and transportation to unemployment is a very grave question. It was not spontaneously that I brought this matter up, but my attention was called to the fact that here in America, some years ago, the Congress of the United States had its attention called to the importance of the effect of suddenly fluctuating and uncertain ocean carriage rates on the cost of raw materials and the subsequent reaction of these on industry. This is a point which is worthy of grave consideration.

If the delegate of the United States to the International Institutes of Agriculture, Mr. David Lubin, was compelled, in his study of the factors affecting the price fixing on the staples of agriculture, to study this question of ocean carriage and its influence on those prices, how can we who are studying these complex industrial questions which result in unemployment fail to recognize the need of studying this question also as to its effect on raw materials and its reaction on unemployment?

The arguments that could be brought forward to prove the connection between such a question as that of the distribution of raw materials and the cost of the ocean carriage on the same, and the reflex action on industries and unemployment, are so self-evident that I will not take up much of your time in trying to demonstrate the proposition. I do not ask to have a solution or a suggestion put forward here as to how this question is to be dealt with; I do not make a motion to that effect, but I do make a motion that the attention of the League of Nations be called by this conference to this very grave question in its bearing on unemployment, and for this purpose I offer the following motion:

The International Labor Conference, considering that the question of unemployment is strictly connected with the distribution of raw material and with the question of the cost of ocean carriage for the same, and considering that this question can not be the subject of a study by this body itself, refers it to the League of Nations and recommends that it take it up for study and solution.

The PRESIDENT. As we have heard a full account of the report of the majority, and after the explanations given by Mr. Baldesi, the connection between the two reports evidently having been proven, it is proper to begin the general discussion, and I therefore recognize Mr. Blomjous, of Holland, the first speaker on the list.

Mr. BLOMJOUS (Netherlands). Will you not permit me to say a few words about Mr. Lazard's report, the minority report, and the motion offered by Mr. Baldesi, the Italian workmen's delegate, asking that the conference call the attention of the League of Nations to the proper distribution of the raw materials of industry as a means of preventing unemployment, which sounds, as it stands, rather harmless.

As a member of the commission on unemployment and of the first subcommittee which dealt specially with the subject, I feel it my duty to explain to this labor conference that this simple request has been moderated only in the last few days. Mr. Baldesi originally offered a motion in the full committee that this conference should call the attention of the League of Nations to the bearing of the proper distribution of raw materials on the prevention of unemployment and the desirability of the establishment of a permanent commission to insure their equitable distribution between the several countries. In the second part of his motion Mr. Baldesi asked the same commission to regulate ocean freight rates on staple products.

The full committee on unemployment did not agree upon this motion, considering that this question was not within the scope of the labor conference. Mr. Baldesi, after this decision, reserved his right to go with the motion before the full commission. In fact, a minority report that has been distributed to the 30 members of the commission on unemployment goes extensively into the subject and asks that the League of Nations should consider the desirability of the establishment of a permanent commission for the distribution of raw materials and another commission for the control of ocean freight rates on staple products.

The minority report has changed front between typing and printing and the report now offered to the conference simply asks the labor conference to call the attention of the League of Nations to the proper distribution of the raw materials of industry as a means of preventing unemployment.

The full committee and Mr. Baldesi agreed not to have discussions on the subject in the commission, but that Mr. Baldesi would offer his minority report to the conference. There is some satisfaction for us in the fact that Mr. Baldesi, who is accustomed to defend his principles in his chivalrous, eloquent, strong, and often effectual way, has wavered as regards the methods to reach his aim, and so far has yielded to the arguments against them in the first subcommittee, and this without any further discussion than was had in the full commission.

Although I might feel grateful about the change in methods, I am not satisfied, because the principle, namely, that the International Labor Conference should entangle itself in this question, has been fully maintained and the evil results for the welfare of the international labor organization will be the same if the conference should agree with Mr. Baldesi to put the question before the League of Nations. We all, Mr. Chairman, following with keen interest the proceedings of this first International Labor Conference, know that this young life is very frail, and that those who really want to see it grow and develop should take the greatest care not to introduce questions, especially in its first life period, which instead of strengthening could easily cause the death of the new born.

We must not forget that the international labor organization is one of the results of the peace treaty, results forthcoming from the high ideals living in the hearts of those statesmen who had an ardent desire to lead humanity to progress and the working classes to sunny life.

The ratification of the treaty of peace, however, meets with unforeseen opposition. Especially the carrying through of Chapter XIII is in danger. Every nation has its own interests to look after, and the competition of the different nations of the world has been exercised all through the world's history. No power on earth will be able to eliminate this competition of the nations to secure for their own people the best possible living conditions and greatest prosperity. We can not be supposed to secure any results at all in asking some nations to dispose wholly or partially of the privileges that have been given to them by nature or have been acquired by the energy with which the explorers and the leaders of these nations have discovered hidden treasures or built up agriculture and special industries. To give consideration to the taking of measures to distribute raw materials could not fail to provoke justified suspicions about the aims and purposes we may have, especially with those nations that are producers of raw materials. None of these nations will ever think of parting with their rights to sell their raw materials to anyone to whom they want to sell them and who cares to pay the best price.

Imposing any system whatever of distribution of raw materials would interfere with the right of private property and even with the right of national property. Moreover, no system could have any effect without fixing the selling prices and at the same time the fixing of the rates of exchange between the selling and the buying nations. This would overturn all existing trade customs; it would be more far-reaching than the nationalizing of industries. The principle brought forward by Mr. Baldesi is aimed to equalize the rights upon the soil of the earth and the fruits of energy of every nation. I might ask, Mr. Chairman, one question: What would be the opinion formed by most Governments if the International Labor Conference should try to assume rights that are not given to it?

The minority report contains the following comparison:

The majority of the subcommittee was of opinion that those countries which possess the raw materials under consideration might resent any such suggestion on the ground that it would interfere with their absolute right to dispose freely of what belongs to them. We might reply to this objection that labor also may be considered as doubly entitled to respect as being doubly property—first, of the laborer himself, and, secondly, of the country to which he belongs. Yet this has not pre-



vented the countries here represented from desiring to see some international regulation of the conditions of human labor without feeling that in so doing they are in any sense humiliated or that their rights are thereby infringed upon.

The comparison between property in raw material and that in labor seems to me to be false in every respect. The work that the International Labor Conference is performing does not at all interfere with the right of property in labor. Property in labor is quite another thing than property in the sense in which it is generally taken. Labor may produce property, may be turned over, or as Karl Marx says, be coagulated in something substantial called property or capital. Now, this International Labor Conference is not interfering with or disposing of the right of property in these products resulting from labor, but we are trying only to regulate and improve existing labor conditions.

Mr. Baldesi could scarcely have given a better argument for my suggestion, that to take into consideration the distribution of raw materials is not the task of this conference. This comparison shows, more than anything I could offer against the minority report, the distinction between the matters competent for consideration in this conference and the matters that do not belong to it.

The appeal that the minority report is making is to those nations that actually are in possession of raw materials, namely, to bear in mind the possibilities of discovering new resources and methods; I do not think, Mr. Chairman, that the possibilities of new discoveries of raw materials would incline those nations who now possess them to give way to Mr. Baldesi's theories. Moreover, the chance of discovering new resources is at least the same for these countries now in possession of the raw materials as it is for those countries that now must buy them.

As regards the observation that we may not now simply return to prewar conditions, my opinion, Mr. Chairman, is that in many respects we must endeavor to draw new lines whereupon to build new methods. As to the question of raw materials, however, and as to their distribution, I sincerely hope that in this respect we may return to prewar conditions as soon as possible. One thing I should fear immensely, namely, that the new system at which Mr. Baldesi is aiming would, if put into practice, have even a more disastrous effect upon general production than the socializing of industries has already had in those countries that through the despair caused by the miseries of the war have tried to change radically the methods of production. An international control of ocean freight rates, aimed at by Mr. Baldesi in the first subcommittee and in the minority report, will not fail to meet with the disapproval of all mercantile seafaring nations.

But, even aside from this reason, we all know that the great need of ships is the cause of high freight rates. But is it absolutely certain that it is just because freight rates are high and give large profits that every yard is fully occupied and new yards are being established in every country that can build steamers in order to extend their mercantile marine as fast as possible. Practically the adoption by this conference of Mr. Baldesi's point of view could have no other effect than an adverse one, namely, to make the navigating companies suspicious and to induce them to reduce their ship-building programs.

The life of the International Labor Organization is threatened from two different sides, first, by those who fear progress, and second, by those who see in its failure a chance of disturbing the peace of the world.

I believe, Mr. Chairman, that we are all giving our best efforts to the progress of this international organization and it is for this reason that it seems our duty to proceed steadily but carefully, not extending our task beyond the limits drawn for us by the allied and associated powers in the treaty of Versailles.

For these reasons, Mr. Chairman, I strongly support the adoption of the majority report and trust that the conference may decide against the motion of Mr. Baldesi and the ideas embodied therein.

Mr. SOKAL (Poland). Mr. President, ladies and gentlemen, I think we have digressed somewhat from the question on the agenda.

We have before us the minority motion presented by Mr. Baldesi, and here we are engaged in discussing free trade and various other economic questions which have very little connection with the motion presented by Mr. Baldesi. The question for study is the question of unemployment, and Mr. Baldesi's motion is absolutely related to the question of unemployment. I desire to draw the attention of the conference to the fact that had the question of unemployment come before it in 1914, it would not have been able to discuss any other plans than those which have now been presented.

I do not wish to criticize the excellent report presented by Mr. Lazard; I wish merely to emphasize the fact that in this report there is nothing relating to a question which is of the greatest importance, namely, the question of unemployment after the war. That kind of unemployment is connected with the lack of raw materials, and what Mr. Baldesi calls attention to in his proposition is quite just.

If we read the motion made by Mr. Baldesi, we must admit that it is very moderate. It proposes nothing further than to point out to the League of Nations the fact that there is a very great lack of employment in various countries which results from a lack of raw materials—nothing further than to point out this fact to the League of Nations. And that, we are told, is not within our right. If we ourselves restrict our rights to the extent of not being authorized to point out to the League of Nations one of the most important causes of unemployment, then I am at a loss to understand the situation at all.

The question of distribution from an economic standpoint is being discussed, whether that is good or not. We do not wish to discuss those things; we wish simply to attract the attention of the League of Nations, and it is for the league to decide the question as it understands it.

We can not close the question of unemployment by merely adopting the report presented by Mr. Lazard. This report is excellent; on that point I am perfectly agreed, but I consider that the question lies elsewhere. By adding the minority motion, whether adopted in Mr. Baldesi's version or in another version does not matter, we shall be considering the question of unemployment in its entirety.

The PRESIDENT. Dr. RUFENACHT of Switzerland is recognized.

Dr. RUFENACHT (Switzerland). Permit me to say first of all that I shall not speak on the question of unemployment, but only on that of general reciprocity, a question which has been connected with unemployment.

To their regret, the Swiss Government delegates find themselves under the rather disagreeable necessity, not of combating the draft convention mentioned under proposition B, but of proposing the postponement of deliberation on this until the next conference. I call that a rather disagreeable necessity, for I fear lest Switzerland may be reproached for no longer being faithful to the ideas of equality that she has always proclaimed and maintained both through a sentiment of justice and in the interests of her own citizens who are domiciled in foreign lands.

However, such is not the case. Yet if I am obliged to propose this postponement, it is for the reason that—and other delegates are perhaps in the same position as ourselves—our delegation does not fully understand the purport of the draft; we are not fully informed and we have not been able to ask our Government for instructions with regard to this proposition. In fact, this last was not on the list of "tractanda" of the present conference, but has been raised in the course of our deliberations, and goes far beyond the question of unemployment with which it was linked. This latter fact alone would perhaps suffice to justify my request for postponement. I do not wish, however, to invoke an argument for form's sake, but am anxious to explain the material factors which arouse certain doubts in my mind. I wonder in the first place what the draft means by the terms "protection of workers" and "reciprocity." Does a law for the protection of workers include all legal provisions on behalf of workers, and does the request for reciprocity mean that the foreign



worker shall have the benefit of the same privileges as the native worker, or that he shall be granted the same treatment as that to which he is entitled in his own country?

Even if these judicial questions were settled, we do not as yet see clearly what their practical consequences would be, and we do not know whether our Government will agree to support them all. In proof of this I need take only the few examples of the eventual application of the draft convention which I am going to indicate to you.

The Swiss factory law stipulates that the manufacturer can not annul the contract for labor on account of any compulsory military service to which the worker might be called. Furthermore the Swiss code provides that for a certain length of time during military service the Swiss worker is entitled to his wages. Without doubt these provisions possess the characteristics of protection for workers. Is it really your intention, and do you consider it logical and equitable, that the foreign worker who may be called to military service in his own country shall benefit by the same privilege under the proposed reciprocity clause?

Another example: The mutual sick-benefit institutions which are given legal status and subsidized by the State are obliged to accept as member any Swiss citizen who has fulfilled the general conditions for admission. Consequently they can refuse to admit a foreign citizen, which is as a matter of fact rarely or never done in practice. The sick benefit is a protection for workers. Would the proposed reciprocity really require the benefit associations, which in addition to their sick benefits, often have an economic, social or ideal object which is purely national, to accept any foreigner as member?

The solution is still more difficult and complicated with regard to the present compulsory accident insurance and the future old-age and invalidity insurance.

In these insurances the very system of laws necessarily brings about a difference depending on nationality. Moreover, the question does not occur merely as regards Switzerland. Setting aside the German insurance laws, other legislation is in existence which provides treatment in social insurance differentiated according to nationality. I recall the French law, which does not permit insured foreigners to take advantage of the subsidies granted by the State, and especially the English law on provision for old age, which is granted only to British subjects. I would not say that this is the ideal state of things; I share the view that we must try to reach complete international equality. But I believe that it is rash to try to reach this standard by the reciprocity clause under this general, absolute form.

It seems to us that the first step to be taken is an attempt to assimilate the different national laws, or else to come to an understanding between the States by taking account of the differences in the systems of national law. For this purpose it will be necessary to study minutely the laws of all countries in all their details and to understand fully whether, and in what points, reciprocity pure and simple is feasible. Our delegation considers then that in any case we must give the Governments time to examine the influence of the proposal on all the laws, ordinances, regulations, and institutions for the protection of workers before binding ourselves to a rule which might give rise to surprises in its practical application. It is not in order to oppose the proposed draft convention, but rather in order to assure that its provisions which will be acceptable to all States, and thereby the possibility of its enforcement without friction, that we venture to submit to you the following proposal:

(1) It is decided to postpone the discussion on the draft convention dealing with reciprocity of treatment of foreign workers.

(2) The proposal is referred to the governing body to be examined anew, and if necessary, to be submitted to a later conference.

The PRESIDENT. Mr. William Gemmill, of South Africa, has the floor.

Mr. GEMMILL (South Africa). Mr. President, the conference will have noticed that draft resolution No. 4 of the commission on unemployment deals with the question of migration of workers out of their own State. In other words, it deals with the emigration of workers, say, from Europe to the new countries. The proposal of the draft resolution is that the governing body of the International Labor Office shall appoint an international commission to consider that question. Now, gentlemen, I would suggest to the conference that the interests of the European countries in a matter of emigration is not necessarily the same as the interests of the other countries, more particularly the new countries, such as Australia, Canada, South Africa, the Argentine, and so on.

And the amendment which I propose is with a view to insuring that the commission to be appointed by the governing body shall have a proper representation of those other countries. I suggest in the amendment that the representation of States on the European Continent on the commission shall be limited to one-half of the total membership of the commission. It has been suggested to me that the fact that the governing body will appoint this commission is a sufficient guaranty that the commission will be properly representative of the interests affected, but I would draw the attention of the conference to the amazing fact that the governing body contains, out of 24 representatives, 20 from the European Continent. Personally such a representation tends to make me somewhat doubtful as to the proper appointment of this international commission by the governing body. It is a matter of the most vital importance to the new countries that any provisions affecting emigration should have due regard to the conditions of those countries, and I therefore would urge that the amendment which I propose should be adopted in order that there may be no danger of a commission being appointed and a report being presented which does not give due effect to these particular and peculiar circumstances. I therefore beg to move an amendment that the representation of the States on the European Continent on the commission shall be limited to one-half of the total membership of the commission.

The PRESIDENT. Ladies and gentlemen, it is a quarter of 6 o'clock, and the following members are still listed for the general discussion: Messrs. Ilg (Switzerland), Guérin (France), Jouhaux (France), Schindler (Switzerland), Robertson (Canada), and Gondra (Paraguay). The meeting, as we decided, must adjourn at 6 o'clock. I propose then that we hear Mr. Ilg, and, after the translation postpone the rest of the general discussion until to-morrow morning at 10 o'clock.

Mr. Ilg is recognized.

Mr. ILG (Switzerland). If the proposals submitted by the commission to the conference are accepted, they will not greatly change the present state of things. I admit that it was perhaps very difficult to succeed in drafting a convention in the short time at our disposal and the lack of data which we ought to have had in hand. I hope that the problem of unemployment will be better prepared at the next conference and that it can be discussed then, especially if the committee is appointed as is suggested by the commission on unemployment.

As unemployment benefits, I believe that this would be the best solution: The employers' and the workers' organizations in each country should, with the aid of the State, create an unemployment institution to come to the relief of the unemployed. But that is not the main aspect of the problem. The point is not merely for the International Labor Conference to find the means of aiding the unemployed; the point is to find the means of combating unemployment. If we look at the problem in this way, we are obliged to come to what Mr. Baldesi said, because we see the situation to-day as follows: We have countries in which it is said that labor is lacking, in which there is not enough labor, and we have other countries in which there is a large body of unemployed,



thousands and thousands who can not work because they have not the necessary raw materials. The point is, therefore, to find out how this state of affairs can be remedied.

The question with which we should become acquainted is to find out whether the League of Nations is going to continue to work on the principle of solidarity among peoples. That is the substance of the question, and that is what we must study. If the League of Nations continues to work on the principle of profit, we shall see again the same situation which we saw before the war in certain countries. On one hand some countries will be making a lot of products, filling the shops with them and talking about over-production, and in other countries there will be a lack of production.

Mr. Guérin, when we were discussing the eight-hour day, painted a very dark picture of the situation and told us that it was necessary to work and to work because production was insufficient. But it remains to be seen whether people want to produce, by what system they want to produce, whether they want to produce merely for profit or whether they want to produce for the needs of peoples. Well, once more I regret that the conference has not time enough to study this question. In the meantime, I hope that Mr. Baldesi's plan will be supported, and if carried, I hope that the League of Nations will not wait one or two years to intervene. In fact, it is a pressing matter. For my own part, I am quite pessimistic as regards the future. I have already noticed that my colleagues from Great Britain do not see the situation in as serious a light as I do, although they are perhaps a little nearer the center of disturbance.

We know, however, what the situation is, but we do not want to believe it. We do not like to see it as it is. It is such that in Germany, in Russia, and in Austria, we find utter discouragement, and I very much fear that the same situation will finally come to exist in other countries. It might be that if we do not succeed in warding off this situation—the question of being able to give everybody the means of working is a very important one—if the number of unemployed remains what it is in certain countries, it may be that we can not guarantee the future.

As I have said, I am pessimistic with regard to the future. If we do not find a way to act energetically, it is quite possible that the disease will continue. And in spite of all possible intelligence, how will it end? It will perhaps be like the disease of influenza, which knows no boundaries, which goes straight ahead. For all these reasons I consider that the Baldesi motion is of great importance and I hope that the conference will unanimously accept it with the express recommendation that the League of Nations attend at once to this problem. In fact, as long as there are thousands of unemployed, the world can never become tranquil. As for the problem itself, the problem of unemployment, I hope that it can be studied at the next conference and that then they will succeed in making an effectual convention which may do away with unemployment.

If the peace treaty is sincere and if we want to work according to its spirit, we ought to succeed in being able to suppress unemployment. If we take as our basis the principle of solidarity, it is possible to suppress it, and we must reach that point.

The PRESIDENT. In conformity to the decision which you have made, the general discussion is postponed until to-morrow at 10 o'clock. The following speakers are listed to take part in this general discussion: Messrs. Guérin, Jouhaux, Schindler, Robertson, di Palma Castiglione, and Gondra.

The meeting is now adjourned till to-morrow, Wednesday, at 10 a. m.

The following delegates were present:

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| Argentina:   | Italy:  |
| Dr. Leonidas Anastasi.   | Baron Mayor des Planches.   |
| Mr. Alejandro Unsain (substitute for                           | Dr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).      |
| Dr. Filipe Espil.  | Mr. Gino Baldesi.   |
| Mr. Hermenegildo Pini.   | Japan:  |
| Mr. Americo Balino.  | Mr. Eikichi Kamada.   |
| Belgium:   | Dr. Minoru Oka.   |
| Mr. Armand Julin (substitute for Mr. Michel Lévie).            | Mr. Sanji Muto.   |
| Mr. Ernest Mahaim.   | Mr. Uhei Masumoto.  |
| Mr. Jules Carlier.   | Netherlands:  |
| Mr. Corneille Mertens.   | Mgr. W. H. Nolens.  |
| Canada:  | Mr. G. J. van Thienen.  |
| Mr. Gerald H. Brown (substitute for Hon. Gideon D. Robertson). | Mr. Henrich Blomjous (substitute for Mr. J. A. E. Verkade).       |
| Hon. Newton W. Rowell.   | Mr. J. Oudegeest.   |
| Mr. S. R. Parsons.   | Norway:   |
| Mr. P. M. Draper.  | Judge Johan Castberg.   |
| Chile:   | Judge I. M. Lund.   |
| Mr. Gustavo Munizaga Varela.                                   | Mr. G. Paus.  |
| Mr. Felix Nieto del Rio.                                       | Mr. J. Teigen (substitute for Mr. Ole Lian).                      |
| Cuba:  | Persia:   |
| Mr. Carlos Armenteros y Cardenas.                              | Mirza Abdul Ali Khan.   |
| Mr. Francisco Carrera Justiz.                                  | Mirza Ali Asghar Khan.  |
| Mr. Luis Rosainz y de los Reyes                                | Peru:   |
| Czecho-Slovakia:   | Mr. Carlos Prevost.   |
| Mr. J. Sousek.   | Mr. Alvarez de Buenavista (substitute for Mr. Eduardo Higginson). |
| Mr. F. Hodacz.   | Mr. Vicente Gonzalez.   |
| Mr. Charles Spinka.  | Mr. Victor A. Pujazon.  |
| Mr. F. Stastny (substitute for Mr. R. Tayerle).                | Poland:   |
| Denmark:   | Mr. Jozef Rymer.  |
| Mr. S. Neumann.  | Mr. Franciszek Sokal.   |
| Mr. C. V. Bramsnaes.   | Portugal:   |
| Mr. H. Vestesen.   | Mr. José Barbosa.   |
| Ecuador:   | Mr. Alvaro de Lacerda.  |
| Dr. Don Rafael H. Elizalde.                                    | Mr. Alfredo Franco.   |
| Dr. Don Juan Cueva Garcia.                                     | Roumania:   |
| Finland:   | Mr. C. Orghidan.  |
| Mr. A. H. Saastamoinen.  | Mr. Gregoire Michalesco.  |
| Judge Nillo A. Mannio.   | Serbs, Croats, and Slovenes:                                      |
| Mr. Robert Lavonius.   | Mr. Velimir Stoykovitch (substitute for Dr. Slavko Y. Grouitch).  |
| Mr. Matti Paasivuori.  | Dr. Ludevit Peritch.  |
| France:  | Siam:   |
| Mr. Arthur Fontaine.   | Phya Prabha Karavongse.   |
| Mr. Max Lazard.  | Phya Chanindr Bhakdi.   |
| Mr. Louis Guérin.  | South Africa:   |
| Mr. Léon Jouhaux.  | Mr. H. Warrington Smyth.  |
| Great Britain:   | Mr. William Gemmill.  |
| Mr. J. F. G. Price (substitute for Right Hon. G. N. Barnes).   | Mr. Archibald Crawford.   |
| Sir Malcolm Delevingne.  | Spain:  |
| Mr. A. J. C. Ross (substitute for Mr. D. S. Marjoribanks).     | Mr. J. Gascon Marin (substitute for Viscount de Eza).             |
| Mr. Jas. Sexton (substitute for Mr. G. H. Stuart-Bunning).     | Mr. Adolfo Gonzalez Posada.                                       |
| Greece:  | Mr. Alfonso Sala.   |
| Mr. John Sofianopoulos.  | Mr. Francisco Largo Caballero.                                    |
| Mr. Angelus Skinzopoulos.                                      | Sweden:   |
| Mr. Timoleon Lamprinopoulos.                                   | Dr. E. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg).     |
| Guatemala:   | Senator R. G. Halfred von Koch.                                   |
| Mr. Francisco Sanchez Latour.                                  | Senator Hjalmar von Sydow.  |
| Dr. Ramon Bengoechea.  | Mr. A. Herman Lindqvist.  |
| Mr. Alfredo Palomo Rodriguez.                                  | Switzerland:  |
| Mr. Manuel Moreno.   | Dr. Hans Sulzer.  |
| India:   | Dr. Hermann Rufenacht.  |
| Mr. Louis James Kershaw.                                       | Mr. Dietrich Schindler.   |
| Mr. Atul Chandra Chatterjee.                                   | Mr. Conrad Ilg.   |
| Mr. Alexander Robertson Murray.                                | Uruguay:  |
| Mr. Narayan Malhar Joshi.                                      | Dr. Jacobo Varela.  |
|  | Venezuela:  |
|  | Mr. César Zúñeta.   |



## TWENTIETH SESSION—WEDNESDAY, NOVEMBER 26, 1919.

The conference convened at 10.15 o'clock a. m., Baron Mayor des Planches (Italy), presiding.

The PRESIDENT. The meeting is called to order. I ought to say that I am taking the chair for only a few minutes, while we are waiting for Mr. Barnes. Mr. Butler has the floor in order to make a few announcements to the assembly.

The SECRETARY GENERAL. As to-morrow is Thanksgiving Day and a public holiday in the United States, it will not be possible to sit in the afternoon. There will therefore be only a morning sitting but there will be a meeting of the governing body at 4 o'clock to-morrow afternoon in the Navy Building. That means that the time at the disposal of the conference is rather seriously reduced and it will make it more difficult to complete its work in time. It is therefore suggested that the following program should be definitely adopted, in order to insure the completion of the work of the conference by Saturday:

Wednesday morning, report on unemployment to be completed; Wednesday afternoon, report on special countries; Thursday morning, employment of children at night; Friday morning, report on maternity; Friday afternoon, final votes; Saturday morning, final votes and the program for the next meeting.

The PRESIDENT. Because of what the secretary general has just said, i. e., that our time is extremely short, that our hours are numbered, I trust that everybody will consider it a matter of the greatest importance to limit their remarks to the barest essentials.

I believe, gentlemen, that we are to resume the general discussion of the two reports of the commission on unemployment, the majority and the minority reports. I have here the list of speakers, and it is headed by the names of Mr. Guérin and Mr. Jouhaux. If Mr. Guérin is in the room, I beg that he will avail himself of the right to the floor which was granted him yesterday.

Mr. GUERIN (France). But Mr. President, together with my colleague, Mr. Schindler, I presented a motion. This is not the motion which is under discussion at the present time, and I therefore have no reason for taking the floor at this particular moment. It seems to me that it would be more fitting to wait until my motion comes up for discussion.

Mr. Jouhaux is not here. Are there no other speakers on the list?

The PRESIDENT. Does any other speaker wish to take the floor on the subject of these two reports?

Mr. E. BLAKE ROBERTSON (Canada). Mr. President, as a member of the unemployment commission, I rise to make a few general remarks on the report now before the conference. I wish first to second the amendment moved by Mr. Gemmill, of South Africa, regarding the personnel of the proposed international commission to report upon measures to be adopted to regulate migration. By doing so it is with no intention of in any way reflecting upon the governing body of the International Labor Office, nor is it meant as the expression of a suspicion that the governing body would be at all likely in selecting their international commission to do so on a basis that would in any way be unfair to any of the States concerned. But in a resolution advocating the appointment of a commission whose actions may be very far reaching it is only proper that this conference should surround the selection of the proposed commission by all safeguards which would likely insure its work being a success. Europe furnishes the major portion of the emigrants, but Africa, Australia, New Zealand, North America, and South America receive the major portion of the immigrants. The investigations and the conclusions of the proposed commission will, therefore, deal quite as much with conditions in the newer countries as in the older European lands, and for this reason, if for no other, it seems fit and proper that the newer lands should be proportionately represented on the proposed international commission.

In addition to this, if the international labor conferences are to be a success now or in the future, it is imperative that no foundation should exist for the allegation that the actions of the conferences are dictated by European considerations alone, or that the personnel of governing bodies or special sections of the Labor Office are European rather than international in character. The protest filed by the Latin-American Republics yesterday would indicate that to some degree such a suspicion already exists. For these reasons I have pleasure in seconding Mr. Gemmill's amendment.

The report of the unemployment commission, generally speaking, covers, I believe fairly, the proceedings of the three subcommissions which dealt with the matters submitted to them. There is, however, one important omission. Mr. Sexton, one of the workers' delegates, who was a member of the subcommission dealing with the causes of unemployment, brought before the subcommission the question of the present system of land tenure, which, in his opinion, is one of the main causes of unemployment. The cure advocated by him for unemployment was the abolition of the private ownership of land. His views as enunciated were opposed by all the employers' delegates on the subcommission, but he was nevertheless clearly promised that the views as advanced by him would be incorporated in the records of the conference, and for that reason and to carry out the promise to which I was a party I now bring the subject before the conference as a whole.

With reference to the third recommendation, regarding the establishment of unemployment insurance in each State member of the permanent organization, I am of the opinion that such recommendation is premature as suggested, and if passed will be passed without the conference having sufficient knowledge of conditions in the States concerned to justify such a recommendation being made. For the conference to recommend that any certain system should be introduced in a particular country without the conference having sufficient information and knowledge regarding the particular State and the conditions therein to justify the recommendation, can have no other effect than to discredit to a certain degree the work of the conference in the eyes of the thinking public.

At the National Industrial Conference held in Ottawa on September 15 to 20 of the present year, at which the Government, the public, the employers, and the employees were represented—the delegates present being in excess of the delegates at this international conference—and where the problems of only the single State were being considered, the question of unemployment insurance for Canada was taken up.

The unanimous finding of the delegates was that at that time there was insufficient information regarding the necessity for the introduction of any unemployment insurance scheme and insufficient information regarding the character of plans to justify any decision being reached at that date. The unanimous recommendation to the Government was to appoint a board consisting of representatives of the Government, the public, the employers, and the employees, including a representative of the women of Canada, to investigate the question and to report with recommendations as to the advisability of enacting legislation. The suggested investigation has not yet taken place nor has there been any change in the situation which would apparently justify this conference expressing an opinion on Canadian affairs which the Canadian people themselves were unable to reach two months ago. Practically every delegate and adviser for the Government, the employers, and the workmen who are to-day at this conference were at the Ottawa conference last September and participated in reaching the conclusion which was reached on that date. No new information being available, Canadian employers have no reason for changing the decision then reached, and there is consequently no action open to the employers' delegate except to vote against the recommendation in so far as it applies to



Canada. I presume that the Canadian Government delegates and the Canadian workers' delegates feel themselves likewise bound.

The only other point on which I desire to touch is the draft convention on reciprocity of treatment of foreign workers. The phraseology and wording of this draft convention is too indefinite to permit of any concise criticism, but I wish to say a few words regarding the right of lawful organization. If by right of lawful organization it is implied that others not belonging to such organizations must necessarily give recognition to such organizations, the subject is one upon which the employers of Canada have already this year expressed an opinion along the following broad general lines:

(a) Canadian employers admit the right of employees to join any lawful organization.

(b) Canadian employers should not be required to recognize unions or to establish "closed shops." Canadian employers insist on the right, when so desired, to maintain their plants as open shops, by which they mean that no employer should discriminate against any employee because of the latter's membership or nonmembership in any organization, and no employee should interfere with any other employee because of the latter's membership or nonmembership in any organization.

(c) Employers should not be required to negotiate except directly with their own employees or groups of their own employees.

If the proposed draft convention on reciprocity of treatment of foreign workers is not so amended as to make clear that the right of lawful organization does not carry with it any compulsion of recognition of such organization, the Canadian employers' delegate has no option but to vote against such convention.

The PRESIDENT. The speakers are Messrs. Guérin, Jouhaux, Schindler, and Robertson. As Mr. Robertson has spoken, there remain Messrs. Guérin, Jouhaux, and Schindler. Mr. Guérin and Mr. Schindler are to develop the same themes. Mr. Jouhaux requests the floor first, but the other two gentlemen are the authors of the motion, and expect to be the first to speak. I must consult them.

Mr. GUERIN (France). Certainly.

The PRESIDENT. According to the order in which the speakers are down, I should give the floor to Mr. Guérin, but as Mr. Guérin has consented to give up his turn, I recognize Mr. Jouhaux.

Mr. JOUHAUX (France). Ladies and gentlemen, it is not my intention to examine in detail the report which has been submitted to you, on the principles of which we are all agreed. But without confining ourselves to the particular situation in which we are placed here at this conference, and taking into account the situations in our respective countries, we may truthfully say that the solution for the problem of unemployment presented in the exceedingly interesting report of Mr. Max Lazard is quite a bit astray from the real solution.

Obviously benefits to aid the unemployed are debts that society owes to those whose duty it is to produce, and who, through no will of their own, are unemployed. The real remedy, however, will never be found in paying benefits to the unemployed, as such help, no matter how it is given, is always a humiliation to the worker, and puts him on an inferior plane, for reasons which, I repeat, are not due to his own volition.

As far as we are concerned, the solution rests in rational organization of labor. It is through labor that men living together in society should find the means of existence, and with that in view an examination of the motion made by Mr. Baldesi is primary; each one of us should make a scrupulous search for we shall find in it the essential reasons for affirmation of an important point.

To be sure the system of employment exchanges, like unemployment insurance, may to a certain degree diminish the time of unemployment. They can not pretend to solve the questions of unemployment, nor, I am sure, did any such pretence enter the mind of the author of the report. It is wise to control great migratory movements, from within each country as well as from without the countries from which emigration is taking place; to follow the emigrants and see that they are protected by the authorities of the various countries and by workers' organizations. Granting this, however,

it is no less evident that the great problem of the present hour is the organization of labor.

How can we admit that a conference such as this, constituted for the most part of labor experts, men who come into daily contact with the realities of economic life, who are in constant touch with the details of the lives of the workers, whose knowledge of the difficulties which beset the producing classes of every country, is not theoretical nor from books, and who, therefore, through the very circumstances in which they are placed, are in a position to make a thorough and accurate study of labor problems; how, I say, can we admit that this conference, composed of these very men, empowered by their mandates to discuss these matters of such prime interest, should to-day assert its incompetence by referring the question to the League of Nations? The League of Nations may indeed contain eminent jurists, but I do not believe that jurists can solve the questions which face us now.

The solution of the questions with which we are now faced depends solely on accurate knowledge of the situation the whole world over. Yesterday Mr. Ilg touched on the matter briefly, and when he said that the situation was far more serious than certain persons believed, he was absolutely right. It is not only that countries shaken by revolutions are in peril at the present time; all the countries in the world, whatever their present financial status, are in peril. All the countries in the world are in danger unless the work of the world is organized upon a rational basis.

We have no intention of asking the State to control, regulate, or interfere with private business. But if we do not intend to ask such intervention in private business, we do dare to ask that all humanity take part in preventing waste, and in preventing the nonutilization of productive resources; we ask that it organize production upon a clearly defined basis, not with the private interests of each individual nation as its object, but the general interests of all humanity.

This is the point to which I wish to draw your attention just now: The situation of disorganization and the lack of balance which faces us. The fact that the question of unemployment was placed upon the agenda of this conference shows the importance which those in power in each country attach to this problem. In referring the problem to the conference for discussion, the signatories of the peace treaty certainly intended that the problem should be effectively solved. Consequently they may be assumed to have rejected absolutely all solutions of a purely national character, which could be of no value whatever upon the present basis. They may also be assumed to have considered in the same light the solutions which the report condemns as ineffectual if taken by themselves. Recognizing the fact that the evolution of nations after this great war would lead not to isolation and rivalry of interests but to association of resources for a better distribution of wealth throughout the world, they intended this question to be fully and effectively solved.

Now, a complete and effective solution can not depend solely on unemployment insurance or a system of employment exchanges, even if such a system were international. In the first place, the workers in each country must never be driven to enforced unemployment. But if we turn to Europe and consider the condition of the workers in the various countries, we shall find that in the majority of these countries, including France, there is a perpetual state of unemployment, in spite of the decrease in the number of laborers caused by the war. Why? Because the war exhausted all the raw materials that were on hand, and because at the present time most of the countries of Europe, lacking these raw materials, are compelled—regardless of such resolutions as you may pass here in the order indicated in the report—to condemn their workers to unemployment, which breeds in them feelings of latent revolt, a condition, let us not forget, of evil import. It is this obviously dangerous situation which we must attempt to eliminate.

At this point I ask the particular attention of the workers' delegates, in order to show them the dangerous direction of the present situation. In certain countries it is thought that the in-



terests of the workers can be associated with a new economic imperialism which consists in keeping for themselves materials which other countries need. I say to my fellow workers that these are dangerous tactics, which may at a given moment react against them with unsuspected strength, carry them off and destroy the conditions established by them behind this fragile shelter. Moreover, it is no longer possible, after having agreed that the conclusion of the war was to be the organization of the League of Nations, based on a principle of mutual aid among all nations—it is not possible, I say, for imperialism, the cause of so many evils, to continue in a new form for the sole benefit and privilege of certain countries. It would be against the central idea of the League of Nations, it would be to ruin it in advance, if we did not understand that the effort must be made to-day, and that the very existence of humanity depends, not on the particular condition of any one country, but on the general condition of all the countries in the world.

What we are asking at the present time, what the motion of Mr. Baldesi asks, is that this problem may be examined from this angle by the League of Nations. We are asking you, you responsible experts, you who to-morrow find yourselves confronting difficulties, you who to-morrow will have to face the masses who will demand their right to live, you who to-morrow will be bearing all the responsibilities of society—we ask that you say to-day with us that it is proper, that it is indispensable, for the League of Nations to consider this question and evolve a solution in accordance with the higher interests of all humanity.

The war imposed certain restrictive and prohibitive measures with regard to the exportation of certain necessary raw materials in a large number of countries. The reason for such restriction could be understood during the war, but such measures can not be enforced now without creating a decided advantage in favor of the countries producing these raw materials, and a disadvantage to all the other nations. Such procedure would be renewing, in a certain sense, a new form of economic imperialism as dangerous as the imperialism of yesterday. That is why we have the right, why we demand—now that peace has come to the world—that the industrial development of all countries should take place normally, on an equal footing, so that no country may be deprived of raw materials of which it has need. To do this we demand that raw materials be not squandered in any country for sordid reasons or for purposes of speculation.

It is impossible that the working classes in some countries should be condemned to perpetual unemployment, while other countries unlawfully keep to themselves, through prevention of export, the raw materials which are needed to give employment to workers in the countries lacking these materials. It is not possible for the artificially privileged advantage of one country to be safeguarded to the detriment of the general interest. No general relief will be possible in the world as long as measures are in effect which to-day enable certain countries to hoard their raw materials, to the disadvantage of all the other nations, as long as certain countries have the right to sell raw materials to foreign purchasers at higher prices than those asked of their own inhabitants. There will be no economic equality, there will be no possibility of real relief for exhausted countries, there will be no real solution of the problem of unemployment, as long as this question is not solved. That is why we specially urge upon the responsible delegates at this conference the fact that Mr. Baldesi's motion should be passed. Even if it were amended it would matter very little, provided that the principle remained. What does matter is that the motion be passed by the conference and transmitted to the League of Nations.

Believe me, the real solution, the final and not the temporary solution, the solution of the future rests in the conclusions which we present. If you really wish the League of Nations to become an organization capable of guiding the world toward progress in peaceful development; if you wish to comply with the will of the masses; if you wish to satisfy the desires of the producing multitude—then you must adopt this course, you who wrote on the first page of the

labor charter that labor was to be emancipated from slavery. All other considerations would only be considerations of a formal nature, mere matters of judicial precedence, which could not stand the test of the real facts in a conference of experts where verbal quibbles have no place.

Mr. GUÉRIN (France). Mr. President, ladies and gentlemen, I most humbly apologize for bringing you down from the philosophic heights to which Mr. Jouhaux, in eloquent language, has just raised us. My speech—it does not even deserve that name—will certainly be more commonplace, but it will have the advantage of going into the subject. I shall explain myself on this point in a moment. For the time being, gentlemen, I shall limit myself to reading the motion submitted by the honorable Mr. Schindler and myself:

The report of the commission on unemployment, a summary of the work undertaken by the various committees, takes up two well-defined series of questions, a certain number of which were not included in the agenda of the conference. Some deal with official data which it is proposed to obtain by means of international conventions but which it would be infinitely more practical and more speedy to have collected by the International Labor Office without further delay. The others aim to make use of conventions, recommendations and resolutions for bringing about reciprocal agreements on emigration, insurance, and pensions, right of organization, and other matters of extreme importance. But at the present moment there are great difficulties in the way of creating a uniform system on account of legislation in force in the various countries. It is recommended, therefore, that the conclusions in the report be referred to the governing body in order that between now and the next session it may direct those departments whose organization may be considered necessary to proceed to the necessary studies and labors of preparation.

LOUIS GUÉRIN.

DIETRICH SCHINDLER.

It is not my idea to develop this theme any further. My colleague, Mr. Schindler, will have the privilege of presenting a few reflections on certain precise points, when he takes the floor after I have finished. For my part, at a plenary sitting of the commission on unemployment, I made certain remarks and criticisms, possibly rather rudely, which I have no intention of repeating here although reserving the privilege of repeating them if need be. What particularly struck me in the work of this commission—I did not personally follow its meetings, but I read reports of it very carefully, reports profusely worded in a wealth of documentation and impressive papers—I repeat, what struck me was the fact that the right title for this commission should be "The commission specially concerned with matters which do not concern it." I know that the honorable chairman, whose courtesy I freely acknowledge, will surely not take that as a personal criticism, but as a criticism which, going beyond personalities, is concerned with ideas alone.

It seems to me that this commission forgot that we were not an ordinary congress, the sort, ladies and gentlemen, at which we have all had occasion to be present, meetings where all sorts of poor speakers expatiated on various propositions, explained at more or less length, and followed by resolutions. We are not an assembly of this sort, gentlemen, we are an absolutely new kind of conference, which does not legislate, it is true, but which draws up motions, recommendations or conventions, to be put before the various parliaments, perhaps some day to figure in the laws. We should, therefore, exercise extreme caution in order not to discredit—if you will allow me the word—our work by going beyond the scope of the clearly defined outline prepared by those appointed for the purpose, and who acquitted themselves of their obligations with the greatest care. We must keep within the narrow limits marked out for us.

I am not going to enumerate—although I would have good reason for doing so, but I will spare my respected neighbor (Mr. Lazard) that criticism—I am not going to enumerate all the more or less extraneous, not to say extraordinary, subjects which were presented during the meetings of the commission on unemployment. Doubtless, those subjects were not all examined, but were to a certain extent thrust aside. However, gentlemen, I consider that in certain cases, when speaking of an eloquent orator, even the mere mention of certain subjects is always wrong, and the closure is made to be used. There are cases where the wisdom of the leader of the debates should inspire him to move the closure for the express purpose of getting rid of



motions such, for example, as that abolishing private ownership of property.

I shall not further emphasize this subject, but simply express my regret that this commission on unemployment has not kept within its proper limits. Now gentlemen, in conclusion, I beg that the honorable gentleman preceding me will permit me to make a few brief remarks in connection with his argument, which was, I repeat, both eloquent and interesting. It is a subject, gentlemen, which in my opinion and in the opinion of practical men, goes beyond the limits set for us. The organization of labor, the distribution of raw materials, and other questions of the same nature are not matters for our concern, if the truth be confessed. They represent in a way the recasting of society—assuming that it needs to be recast—and the organization, as Mr. Jouhaux has told us on different occasions, of a new world. As far as the distribution of raw materials is concerned, Mr. Jouhaux warned us not to indulge in academic considerations, not to wander astray in philosophical deductions—well, I do not wish to offend him, but if he will allow me to say so, he did nothing but that in his speech, he did nothing but produce so much literature.

Persons in contact with actual life will tell you that when it is a question of the purchase and the distribution of raw materials, of wishing to bring into play other forces than private initiative, private interests—

Mr. JOUHAUX (France—interrupting). That is just what I asked. I did not ask for Government control. I asked that no Government should have the right to keep for itself raw materials which were not indispensable and which were necessary to other countries.

Mr. GUERIN (France). My dear colleague, I see you are not a protagonist of State control. I am happy to hear you say so, and I take note of it. Nor am I. But allow me to tell you, that in actual practice if it is a question of really regulating the distribution of raw materials, I defy you to leave State intervention aside. You can not get away from it.

Well, gentlemen, the war has brought a recent and painful experience to us business men who have encountered reality, not in speeches but in a practical fashion by staking our lives, our money, and our personal intervention. But allow me to tell you that this question of the distribution of raw materials, whether it is done by the State or by some organization—for eventually one such will have to be established—well, it is contrary to fact, and in actual practice will end in an increase of unemployment.

During the war, while this regulation of distribution of raw materials was in effect, I saw numerous factories idle on account of the substitution of the State for individual and private initiative and because raw materials were held up, in ports, in stations, or in the countries producing them. Meanwhile agitation over the matter came to nothing. No, gentlemen, as long as there is a world, whether it is old or new, so long as there is a man in the world, free development will have to be allowed to individual liberty, to private initiative, and to the play of interests which are the true incentives to human activity. These forces will have to be allowed freedom of development if practical results are to be obtained; and it will always be dangerous to walk—doubtless with eloquent oratory—but in the clouds, nevertheless, if I may say so, far above actual realities, above commonplace necessities, and above the immutable laws which regulate and assure the course of human prosperity.

The PRESIDENT. Mr. Schindler, Switzerland, has the floor.

Mr. SCHINDLER (Switzerland). Gentlemen, allow me to add a few reflections to the words of Mr. Guérin, on the proposal relative to reciprocity of treatment for foreign workers.

The draft convention regulates somewhat prematurely the question of the right of foreign workers to the various sorts of social insurance, and the question of the right of organization of foreign workers.

The first question has been the subject of specific treaties on reciprocity between various States. The chief difficulty in con-

cluding these treaties arises from the great differences existing between the social insurance laws of the various countries. These laws are still far from providing the same advantages. In these treaties a system of equalization has to be worked out which reserves to the workers of a country with less advantageous legislation only a part of the benefits received by workers in more favored countries.

You must not lose sight of the fact that, particularly in the matter of pensions, systems vary perceptibly from one country to another. Some countries have voluntary insurance, others have compulsory insurance. The rates of pensions, contributions, and State subsidies are very different in different countries.

We should therefore not agree to a draft which is so vague as that submitted by the commission on unemployment, and at the same time so burdensome to countries enjoying more advanced social legislation. It is to be desired that the subject figure on the agenda of a future conference, but it is impossible to settle the matter at the end of this conference without profound study and without the collecting and preparing of evidence, particularly since the question did not figure on the agenda of this conference.

The question of granting the right of organization to foreign workers is a matter of internal policy which each State should settle for itself, with regard for its own internal safety. Although the right of organization appears in the treaty of peace, it does not appear on the agenda of this conference, and therefore can not be treated here.

For these various reasons I second the motion of Mr. Guérin, requesting that the report of the commission on unemployment be referred to the governing body. I insist, however, that two separate votes be taken, one for convention "A," relative to measures against unemployment, and the other on convention "B," relative to reciprocity of treatment of foreign workers.

The PRESIDENT. Mr. Draper, of the Canadian delegation, is recognized.

Mr. DRAPER (Canada). Mr. President and members of the conference, I rise for the purpose of making a reference to a statement presented here this morning by Mr. Blake Robertson, representing the employers' group of the Dominion of Canada. I would not have taken up the time of the conference at all had not the question of the recognition of the trade-unions in the Dominion of Canada been referred to. In view of the fact that in our country we have some 2,000 trade-unions, with a quarter of a million of membership, and that in nearly all the industries in that country the trade-unions have agreements with the different employers, I did not see why the last part of the statement by Mr. Robertson should be placed before this conference. I do not propose to allow it to go uncontradicted, for fear that a misapprehension might be carried away by the delegates to their respective countries regarding the Canadian labor situation.

Now, what I take particular exception to is the latter part of this document. We are told that the Canadian employers admit the right of employees to join any lawful organization. I may say that our organizations in Canada, while not registered under the trade-unions act, are all lawful organizations.

Then, in paragraph B of the same quoted statement, Mr. Robertson says that the employers desire the right to maintain their plants as open shops and not recognize unions. Of course the employers may desire that right, but I want to say that it is not followed out in practice in Canada. For instance, take the Canadian Pacific Railway, with which all the delegates to this conference are acquainted as one of the greatest railways in the world. That immense organization has agreements with all its employees in nearly every branch of its industry.

I might go on enumerating, if I so desired, but in the last paragraph he says:

Employers should not be required to negotiate except directly with their own employees or groups of their own employees.

That is the paragraph upon which the trade-unions of our country and the employers have fought many battles in the past, and if this



is the policy of the employers of the Dominion of Canada I want to say to them quite frankly that there will be no industrial peace in the country as long as this is the policy they lay down.

Last spring, in the months of May and June, I think, a strike was precipitated in the city of Winnipeg, just owing to a position taken by the manufacturers in the iron trades of the city of Winnipeg where they refused to meet their employees and refused the right of collective bargaining. As a result there existed for six or eight weeks a strike that assumed almost the proportions of a revolution, and which caused the Dominion Government, the provincial government, and the municipality of the city of Winnipeg to take part in it, and it was only after some time that the strike was defeated.

The PRESIDENT (interrupting Mr. Draper). Because of the short time left at our disposal, I believe that it would be well not to be concerned here with what may have been done at Winnipeg. We should keep to our schedule, or otherwise we shall not finish.

Mr. DRAPER (Canada). I ask your indulgence, Mr. President; but the representative of the employers, Mr. Robertson, having raised the question, I considered it my duty to reply. When I arose I said I would be very short, so I was just about concluding when I was interrupted by the chairman. And I will conclude in this way: I think the time has passed when such statements as these should be put on record, and if we are to have industrial peace in our country in the future, it will be by the employers recognizing the rights of the trades-unions to enter into collective bargaining or any other kind of an agreement that will suit their membership.

The PRESIDENT. The time has come to debate and vote upon the several resolutions contained in the report.

If I am not mistaken, the motion submitted by Mr. Guérin and Mr. Schindler should take precedence, and then be immediately followed by the motion made by Mr. Baldesi. The floor is open for discussion. If no one requests the floor and since no amendment has been presented, I ask the assembly if it does not believe we should proceed to a vote?

[Mr. di Palma (Italy) requests the floor.]

As closure has not yet been voted, the question is still open to discussion, and I grant the floor to Mr. di Palma, who has just requested it.

Mr. DI PALMA CASTIGLIONE (Italy). I shall be very brief and I shall speak only on the reciprocity of treatment of foreign and native workers. One very important question, which has been constantly raised by the Government delegate of Switzerland, has been brought before the conference. That is to say, the words used in the draft convention presented to us by the commission on unemployment are very wide, so the matter is not precisely stated.

I think, on the other hand, the same delegate has declared that in principle he has nothing against the spirit of the draft convention. So, after having spoken with several delegates interested in the matter, I present as an amendment to the conclusion of the commission the following:

The Washington conference recommends to the States, members of the International Labor Organization, to admit, by means of special agreements, to the benefit of their labor laws and regulations, as well as the right of lawful organizations, the workers belonging to one of these States and employed in another, together with their families. The conference decides that the question of transforming this recommendation into a convention be examined by the next conference in 1920.

The PRESIDENT. Gentlemen, you are all familiar with the Guérin-Schindler motion. It was not only printed in yesterday's report, but it has been read both in English and French. I shall therefore put the Guérin-Schindler motion to a vote.

Mr. CRAWFORD (South Africa). What page?

The CLERK. In the English text, page 326 [Provisional Record]. If it is desired, I will read it

"It is recommended, therefore, that the conclusions in the report be referred to the governing body, in order that between now and the next session it may direct those departments whose organization may be considered necessary to proceed to the necessary studies and labors of preparation."

Mr. DI PALMA CASTIGLIONE (Italy). I would like to ask Mr. Guérin and Mr. Schindler if they accept my amendment, because if they accept my amendment then it is useless to put their motion to a vote.

The PRESIDENT. Does Mr. di Palma wish to repeat what he said a few moments since?

Mr. DI PALMA CASTIGLIONE (Italy). I ask Mr. Guérin and Mr. Schindler if they accept my amendment, which is almost to the same effect as their motion, inasmuch as my amendment, considers the reciprocity convention as a recommendation, and, furthermore, I support the creation of an administrative commission to study the matter and refer it to the conference of 1920. The intent of the two proposals being the same, I ask whether they are willing to save some time by voting only on the amendment.

The PRESIDENT. Gentlemen, allow me to request that there be a clear understanding and no confusion of thought at this point. Mr. di Palma states that there is a similarity, a resemblance, a connection, perhaps an identity, between his proposal and that of Mr. Guérin and Mr. Schindler. Now, as far as I see it, after reading the Guérin-Schindler motion, the vote which is going to be proposed is of exceptional gravity. If I am not mistaken, it suggests no more, no less, than the referring of all the questions treated in Mr. Lazard's report to the International Labor Office; that is to say, that the entire commission and Mr. Lazard's report shall for the time being be set aside. Is that the correct interpretation of the Guérin-Schindler motion?

Mr. CARLIER (Belgium). As Mr. Guérin has gone out no one can answer your question.

A VOICE in the hall. His substitute is present.

The PRESIDENT. Having learned from the answer to my question that such is the interpretation of the Guérin-Schindler motion, I now ask Mr. di Palma, that the matter may be absolutely clear, if that is indeed his idea, and if he wishes the whole question to be referred to the international office.

Mr. DI PALMA CASTIGLIONE (Italy). No.

The PRESIDENT. Then there is neither affinity nor identity between the two.

Therefore, we have to deal with the Guérin-Schindler motion. It is understood that this motion refers the whole work to the international office. As that point is now quite clear, I shall put the Guérin-Schindler motion to a vote.

All delegates in favor of the Guérin-Schindler motion please raise their right hands.

[The votes are counted.]

All those opposed to the Guérin-Schindler motion please raise their right hands.

[The votes are counted.]

The SECRETARY GENERAL. The vote is 41 against and 33 for. The motion is lost.

The PRESIDENT. We are now confronted by the Baldesi motion. The president has in his hands a request for a record vote on this matter. As the translation made into both French and English yesterday of the motion presented in Italian by Mr. Baldesi was not a happy one, Mr. Baldesi's motion is going to be read to you as corrected, in both French and English.

[The clerk then read the Baldesi motion as follows:]

Considering that the question of unemployment is closely related to that of the distribution of raw materials and the means of maritime transport and freight rates; considering further that the question can only be effectively dealt with by the council of the League of Nations, it is recommended that the council should undertake to examine and solve the problem.

The PRESIDENT. The standing orders authorize a record vote, and we are therefore going to vote on the Baldesi motion by a record vote.

The SECRETARY GENERAL. I shall call out the names of the delegates. In cases where substitutes are acting they will, of course, be entitled to reply on behalf of their delegates.



[The result of the roll call was as follows:]

## No—43.

|                                   |                                 |
|-----------------------------------|---------------------------------|
| Argentina:                        | Greece:                         |
| Dr. Leonidas Anastasi.            | Mr. Eugene Cantacuzène.         |
| Dr. Felipe Espil.                 |                                 |
| Mr. Hermenegildo Pini.            | India:                          |
| Mr. Americo Balino.               | Mr. Louis James Kershaw.        |
| Belgium:                          | Mr. Atul Chandra Chatterjee.    |
| Mr. Michel Lévic.                 | Mr. Marayan Malhar Joshi.       |
| Mr. Jules Carlier.                | Netherlands:                    |
| Canada:                           | Mgr. W. H. Nolens.              |
| Hon. Gideon D. Robertson.         | Mr. G. J. van Thienen.          |
| Hon. Newton W. Rowell.            | Mr. J. A. E. Verkade.           |
| Mr. S. R. Parsons.                | Nicaragua:                      |
| Mr. P. M. Draper.                 | Señor Don Ramon Enriquez.       |
| China:                            | Norway:                         |
| Mr. Yung Kwai.                    | Mr. G. Paus.                    |
| Mr. Lingoh Wang.                  |                                 |
| Cuba:                             | Portugal:                       |
| Mr. Carlos Armenteros y Cardenas. | Mr. José Barbosa.               |
| Mr. Francisco Carrera Justiz.     | Mr. Alvaro de Lacerdo.          |
| Czechoslovakia:                   | Serbs, Croats, and Slovenes:    |
| Mr. J. Sousek.                    | Dr. Slavko Y. Grouitch.         |
| Mr. Charles Spinka.               | Mr. Marko Bauer.                |
| Mr. F. Hodacz.                    |                                 |
| Denmark:                          | South Africa:                   |
| Mr. S. Neumann.                   | Mr. H. Warrington Smyth.        |
| Mr. C. V. Bramsnaes.              | Mr. William Gemmill.            |
| Mr. H. Vestesen.                  |                                 |
| France:                           | Sweden:                         |
| Mr. Louis Guérin.                 | Judge A. Erik M. Sjöborg.       |
| Great Britain:                    | Senator R. G. Halfred von Koch. |
| Right Hon. G. N. Barnes.          | Senator Hjalmar von Sydow.      |
| Mr. D. S. Marjoribanks.           | Switzerland:                    |
| Mr. G. H. Stuart-Bunning.         | Mr. Dietrich Schindler.         |

## YES—40.

|                              |                                |
|------------------------------|--------------------------------|
| Belgium:                     | Paraguay:                      |
| Mr. Ernest Mahaim.           | Mr. Arturo Campos.             |
| Mr. Corneille Mertens.       | Dr. Manuel Gondra.             |
| Denmark:                     | Peru:                          |
| Mr. C. F. Madsen.            | Mr. Victor A. Pujazon.         |
| France:                      | Poland:                        |
| Mr. Arthur Fontaine.         | Mr. Franciszek Sokal.          |
| Mr. Max Lazard.              | Mr. Jan Zagleniczny.           |
| Mr. Léon Joubaux.            | Mr. Edmund Bernatowicz.        |
| Greece:                      | Portugal:                      |
| Mr. John Sofianopoulos.      | Mr. Alfredo Franco.            |
| Mr. Angelus Skinzopoulos.    |                                |
| Mr. Timoleon Lamprinopoulos. | Roumania:                      |
| Guatemala:                   | Mr. C. Orghidan.               |
| Mr. Manuel Moreno.           | Mr. Gregoire Michaelesco.      |
| Italy:                       | Siam:                          |
| Baron Mayor des Planches.    | Phya Prabha Karavongse.        |
| Dr. G. di Palma Castiglione. | Phya Chanindr Bhakdi.          |
| Comm. E. Baroni.             | Spain:                         |
| Mr. Gino Baldesi.            | Mr. Adolfo Gonzalez Posada.    |
| Japan:                       | Mr. Francisco Largo Caballero. |
| Mr. Eikichi Kamada.          | Sweden:                        |
| Dr. Minoru Oka.              | Mr. A. Herman Lindqvist.       |
| Mr. Uhei Masumoto.           | Switzerland:                   |
| Netherlands:                 | Dr. Hans Sulzer.               |
| Mr. J. Oudegeest.            | Dr. Hermann Rufenacht.         |
| Norway:                      | Mr. Conrad Ilg.                |
| Judge Johan Castberg.        | Venezuela:                     |
| Judge I. M. Lund.            | Dr. Don Santos A. Dominici.    |
| Mr. J. Telgen.               | Mr. Nicolas Veloz.             |

The PRESIDENT. We shall now proceed, if you will, to a vote on the proposals relative to prevention of unemployment.

Mr. ROWELL (Canada). In order that we may proceed to deal with these important proposals contained in the conventions, recommendations, and resolutions, I would move that we take them up one by one, clause by clause; then the amendments may be considered in connection with the appropriate resolutions. If there are no objections, we can pass quickly over the ones to which there are no objections.

The PRESIDENT. It was the president's intention to proceed gradually, as Mr. Rowell suggests, i. e., to put the draft convention to a vote, asking if any delegates wish the floor on the first, second, or third articles, of which this convention consists. If any delegate

wished the floor he would have it. If no request were made for the floor, then the entire draft convention would be voted on.

The conference now has before it article 1 of the draft convention, relative to the prevention of unemployment. This draft convention consists of three articles. Does anyone wish the floor on any of these three articles?

Mr. ARMENTEROS (Cuba—remarks in Spanish). I request the reporter to kindly explain if the draft convention on unemployment applies to agricultural occupations as well as to industrial occupations, and whether the first draft recommendation refers to employment agencies dealing with commerce and domestic labor, and, in the third place, whether the statistics called for in the second paragraph of the draft resolutions regarding agriculture are in any case to be submitted to the Institute of Agriculture at Rome by the Governments, or directly to the International Labor Office.

The PRESIDENT. One observation, gentlemen. As one more than half the votes are required for the vote to be valid, you are requested not to leave the room, lest the vote be rendered null and void by the absence of delegates.

The Cuban delegation has requested an explanation. I recognize the reporter, Mr. Lazard.

Mr. LAZARD (France). The answer to be made to the Cuban delegation is this: The draft convention relative to prevention of unemployment concerns agricultural workers as well as others. Measures against unemployment do not distinguish between the various classes of workers.

Secondly, the profit-taking employment agencies, against which we are inviting the Governments to protest, do not include commercial or domestic agencies. It is the concern of each Government to decide what measures shall be taken with regard to this particular category of agencies, but the recommendation addressed to them is a recommendation warning them against the abuses of such agencies of whatever sort, and recommending to them, in any case to allow these agencies to operate only under licenses.

The argument on the statistics of agricultural unemployment can be answered as follows: It should not be understood that statistics on agricultural unemployment must first pass through the International Agricultural Institute in order to be sent to the International Labor Office. What we wished to say was simply this: That as pertinent information on the subject of agricultural unemployment was already assembled at the International Institute, this source of information should not be disregarded.

Mr. ARMENTEROS (Cuba). Thank you, gentlemen.

Mr. ROWELL (Canada). Am I correct in understanding that what is now before the conference is a draft convention on unemployment and not the resolutions; that they will come subsequently?

The PRESIDENT. The draft convention, which, as I have said, contains three articles.

Mr. ROWELL. Then, Mr. President, I wish to make one observation in reference to article 2 particularly. While we are doing in Canada all that article 2 calls upon the signatories to the convention to do, I want to record the opinion that the International Labor Organization is making a mistake in endeavoring to secure signatures to conventions to regulate details of domestic administration of labor services in the different countries, and that ultimately we will provoke reaction against our action if we undertake to go too minutely into matters of purely domestic concern in the different countries involved—how they operate their labor exchanges. Personally I agree with the policy outlined and we have already adopted it, but I think it is unwise to undertake to regulate it by international convention.

The PRESIDENT. The reporter of the committee, Mr. Lazard, is recognized.

Mr. LAZARD (France). I only wish to reply to Mr. Rowell that the commission did not consider details essential, but that it was considered essential to an effective system of employment agencies, first, that it should be a public institution; second, that it should



have the cooperation of employers' and workers' organizations, which could act as consulting bodies; and third, that there should be international coordination. The commission considered these three points essential, and I take pleasure in noting that this is also the opinion of Canada, so far as Canada specifically is concerned. I therefore consider that it is of the utmost importance that international obligation be established in this respect, so that public employment agencies, the importance of which is recognized by everybody, may be definitely organized according to these three great principles. It is not at all a question of entering into details, but simply of determining three principles for an organization of this sort.

The PRESIDENT. Like Mr. Rowell, I ask permission to say a few words, as a delegate from Italy, to emphasize the fact that in Italy we already have part of what this article 2 demands. I do not wish to go into detail. I shall not take two minutes of the time of the conference. I shall simply ask to have a few words entered on the record as to what we have accomplished in Italy on this subject.

The delegate from Brazil is recognized.

Mr. FRANCO (Brazil). Mr. President, I desire first, to protest against the fact that the names of the delegates from Brazil were not called when the votes were taken, and I request that the necessary measures be taken so that the names of the delegates may be included in the record vote of the members present at this session.

We are now going to vote on the proposal dealing with the draft convention against unemployment. As you have announced that delegates might speak upon the articles of this draft convention, I shall take the liberty of saying a few words on the subject. This question of unemployment is not of direct interest to Brazil, which is a new country, where work is abundant and workers lacking, in general. However, we cannot give our full support to the articles of the convention as they are drawn up.

Regarding the second article, in which it is provided that—

The States ratifying the present convention or acceding thereto shall establish in their respective countries a system of free public employment agencies under the control of a central authority,

—I desire to make known to the assembly that in the Bureau of Agriculture of Brazil the Federal Government supports and maintains the special department of labor under its direct control. This department is in a position to render all the services which in article 2 of the convention are asked of the bureau which the States are to maintain in the respective countries for the gratuitous placing of workers.

Committees which shall include representatives of employers and representatives of the workers shall be appointed to advise on matters concerning the carrying on of the work of such agencies.

Mr. President, I believe that these committees are not necessary in Brazil. I do not even understand how one could manage to combine the services rendered by the State with the services of these committees, which are to be composed of representatives of the employers and representatives of the workers.

On article 3, in which it is provided that—

The States ratifying the present convention or acceding thereto which have established systems of unemployment insurance shall, upon terms being agreed between the States concerned, make arrangements whereby workers belonging to one such State and employed in another such State shall be admitted to the same rates of benefit of such insurance as those established for the workers of the latter State

—I must say, Mr. President, that this provision is quite useless so far as Brazil is concerned, because our federal constitution establishes perfect equality between the natives and the foreigner who has a domicile in or who lives in the country. Consequently we have full legal and constitutional protection on the part of the Government and the laws, a protection which is extended to foreigners as well as to natives.

I considered myself bound to give this information to the assembly, and I shall close by venturing to ask once more that the necessary

measures be taken to include the names of the delegates from Brazil in the record vote of the members present at this session.

The PRESIDENT. The statement of the delegates from Brazil, who protest against the fact that their names were not called for the record vote, that their names were not called in voting on the Baldesi motion, taking into account the division of the votes, 40 against 43, might have considerable importance. I may perhaps be permitted to ask the delegates from Brazil how they would have voted.

I must say that this neglect to call upon the delegates from Brazil was through no fault of the Chair or the Secretary General. The credentials of these gentlemen have not yet reached the secretariat. In that case it seems to me that the vote can not be changed, and the delegates from Brazil will doubtless have a later opportunity of giving their opinion.

We find ourselves again, therefore, confronted with this draft convention, and if nobody calls for the floor I shall put it to a vote.

[Nobody calls for the floor.]

Those delegates here present in favor of the draft convention in three articles, which is to be found under letter A of the proposals dealing with unemployment, raise their right hands.

Mr. CARLIER (Belgium). Article by article, Mr. President.

The PRESIDENT. I have already offered the floor for anyone to give his reasons on the three articles, and nobody asked for recognition.

If Mr. Carlier wishes, I will put the articles to a vote one at a time. I had explained to Mr. Rowell how we were to proceed; if Mr. Carlier desires to proceed differently, I will call for a vote on article 1 of the draft convention, which I have already sufficiently explained.

Those in favor of article 1 raise their hands.

[Votes counted.]

Those opposed to article 1 raise their hands.

[Votes counted.]

The article is carried by 63 votes.

I shall now put article 2 to a vote. Those in favor raise their right hands.

[Votes counted.]

Those opposed to article 2 raise their hands.

Article 2 is adopted unanimously. Now I shall put article 3 to a vote.

Mr. GEMMILL (South Africa). Mr. Chairman, on a point of order—have we the necessary quorum to carry article 2?

The SECRETARY GENERAL. Yes; we have.

The PRESIDENT. Those in favor of article 3 raise their hands.

[Votes counted.]

Those opposed to article 3 please raise their hands.

[Votes counted.]

Article 3 is carried by 51 votes against 15.

Now we will proceed to the draft recommendation. Shall we vote article by article?

Mr. CRAWFORD (South Africa). I suggest that we vote article by article.

The PRESIDENT. Does anyone desire to speak on article 1 of the draft recommendation?

Mr. GEMMILL (South Africa). Mr. President, may I ask the reporter of the commission a question in regard to the first draft recommendation? I should like to have his views as to whether the committee desired or considered that under this article cooperative societies established by employers to obtain labor, which charge fees but which make no profits, are included in the article.

The PRESIDENT. Mr. Lazard is recognized.

Mr. LAZARD (France). The reply to that is as follows: Any cooperative society created by employers, which makes no charges to workers and makes no profits, was not intended in the draft recommendation.

The PRESIDENT. Are there any further explanations requested or other observations to be made concerning article 1?



Article 1 will be voted upon. Those in favor please raise their hands.

[Votes counted.]

Those opposed please raise their hands.

[Votes counted.]

Article 1 is carried by 51 votes against 2.

Does anyone wish to speak on article 2 of the draft recommendation?

Mr. ROWELL (Canada). Mr. President, I should like to ask of the reporter of the commission an explanation as to the meaning of this second recommendation. The recommendation is:

The International Labor Conference recommends to the States, members of the permanent organization, that the recruiting of bodies of workers in one of these States with a view to their employment in another, should not be permitted, except by mutual agreement between the countries concerned, and after consultation with employers and workers in each country in the industries concerned.

Who would be the party who would initiate the consultation with the employers and workers in the countries concerned? Would it be the employers desiring to secure workers from another country? Would it be the Government of which those employers were citizens, or would it be the Government in which these employers and workers resided who would conduct the consultation with them? I submit whatever the meaning is, it should be made more clear than the recommendation now makes it. It leaves a very important question unsettled as the recommendation now reads.

Mr. LAZARD (France). The reply to be made to this is first of all to excuse ourselves for a doubtful wording. This must always be avoided, and we do try to avoid it. What the commission had in view was this: The organization of this recruiting of large numbers of workers ought to be prepared for by an agreement between the Governments interested, and the Governments interested ought, by agreement or supervision, either with regard to the principle of foreign recruiting or with regard to each successive act—the Governments interested ought, I say, to consult their respective organizations before giving their authorization.

The PRESIDENT. Does anyone wish to speak on article 2 of the recommendations?

Mr. FONTAINE (France). I wish to ask whether it is fully understood that consultation is not to be requested for each introduction of workers, but on the general plan of introduction. For instance, in the Franco-Italian agreement, the introduction of a considerable number of workers will be determined after consultation, but it is not provided that for each worker introduced there shall be a special consultation, either by the employer or by some other person. It is the general plan of introduction, it is the general numbers which are intended by this consultation, and it is not the case of each person in particular.

Mr. LAZARD (France). The reply to this is that the commission had anticipated a more detailed recommendation, which distinguished precisely between the general arrangement and the introduction of one group or another of workers. The commission set aside this idea, preferring to formulate its recommendation in very general terms, and in such a way as not to bind the Governments too specifically. It is merely pointed out that the introduction of workers shall not take place without the advice of the organizations interested. Is it sufficient that they be consulted in a general way on the whole program, or must they be consulted upon each request for admission? The recommendation did not go into those details, and consequently the States have a free hand in that respect.

The PRESIDENT. If nobody desires to speak, I shall call for a vote on the question.

Mr. FONTAINE (France). I shall consider the reply of the reporter as an acquiescence in what I have maintained, for we are determining obligations; it is not said that we shall consult in every case, and that would be quite impracticable. I am obliged to think that we are only to consult on the general program.

The PRESIDENT. I shall call for a vote on article 2 of the draft recommendations. Those who are in favor will please raise their hands.

[Votes counted.]

Those opposed to article 2 of the draft recommendations are requested to raise their hands.

[Votes counted.]

Article 2 of the draft recommendation is carried by 34 against 9.

Mr. CARLIER (Belgium). There is no quorum.

Mr. FONTAINE (France). There are some who are not voting.

The PRESIDENT. Does that count as a vote?

Mr. FONTAINE (France). No; but it counts as a person present.

The PRESIDENT. Those who have not voted are requested to raise their hands.

[Nonvoters counted.]

The vote is void.

Shall we meet at half-past 2 to-day?

Voices. Yes.

[Whereupon, at 1 p. m., adjournment was taken until 2.30 p. m.]

The following delegates were present:

|  |  |
|--|--|
| Argentina:   | Great Britain—Concluded.                                     |
| Dr. Leonidas Anastasi.                                       | Mr. J. Sexton (substitute for Mr. G. H. Stuart-Bunning).     |
| Dr. Felipe Espil.  | Greece:  |
| Mr. Hermenegildo Pini.                                       | Mr. John Sofianopoulos.                                      |
| Mr. Amerio Balino.   | Mr. Angelus Skinzopoulos.                                    |
| Belgium:   | Mr. Eugene Cantaeuzène.                                      |
| Mr. Armand Julin (substitute for Mr. Michel Lévie).          | Mr. Timoleon Lamprinopoulos.                                 |
| Mr. Ernest Mahaim.   | Guatemala:   |
| Mr. Jules Carlier.   | Mr. Franelseo Sanchez Latour.                                |
| Mr. Corneille Mertens.                                       | Dr. Ramon Bengoechea.  |
| Brazil:  | Mr. Alfredo Palomo Rodriguez.                                |
| Dr. Afranio de Mello Franoc.                                 | Mr. Manuel Moreno.   |
| Dr. Carlos Sampaio.  | India:   |
| Dr. Fausto Ferraz.   | Mr. Louis James Kershaw.                                     |
| Canada:  | Mr. Atul Chandra Chatterjee.                                 |
| Mr. Gerald Brown (substitute for Hon. Gideon D. Robertson).  | Mr. Narayan Malhar Joshi.                                    |
| Hon. Newton W. Rowell.                                       | Italy:   |
| Mr. E. Blake Robertson (substitute for Mr. S. R. Parsons).   | Baron Mayor des Planches.                                    |
| Mr. Arthur Martel (substitute for Mr. P. M. Draper).         | Dr. G. di Palma Castiglione (substitute for Mr. A. Cabrini). |
| Chile:   | Mr. Gino Baldesi.  |
| Mr. Gustavo Munizaga Varela.                                 | Japan:   |
| Mr. Felix Nieto del Rio.                                     | Mr. Eikichi Kamada.  |
| China:   | Dr. Minoru Oka.  |
| Mr. Yung Kwai.   | Mr. Sanji Muto.  |
| Mr. Lingoh Wang.   | Mr. Uhei Masumoto.   |
| Cuba:  | Netherlands:   |
| Mr. Carlos Armenteros y Cardenas.                            | Mr. G. J. van Thienen.                                       |
| Mr. Luis Rosainz y de los Reyes.                             | Mr. J. A. E. Verkade.  |
| Czecho-Slovakia:   | Nicaragua:   |
| Mr. J. Sousek.   | Señor Don Ramon Enriquez.                                    |
| Mr. Charles Spinka.  | Norway:  |
| Mr. R. Tayeric.  | Mr. B. Kjelsberg (substitute for Judge Johan Castberg).      |
| Denmark:   | Judge I. M. Lund.  |
| Mr. S. Neumann.  | Mr. G. Paus.   |
| Mr. C. V. Bramsnaes.   | Mr. J. Teigen.   |
| Mr. C. F. Madsen.  | Panama:  |
| Mr. H. C. Oersted (substitute for Mr. H. Vestesen).          | Mr. Andres Mojica.   |
| Ecuador:   | Mr. Jorge Luis Paredes.                                      |
| Dr. Don Juan Cueva Garcia.                                   | Mr. Federico Calvo.  |
| Finland:   | Mr. Jose A. Zubieta.   |
| Judge Nillo A. Mannio.                                       | Paraguay:  |
| Mr. Robert Lavonius.   | Mr. Arturo Campos.   |
| Mr. Matti Paasivuori.  | Dr. Manuel Gondra.   |
| France:  | Peru:  |
| Mr. Arthur Fontaine.   | Mr. Vicente Gonzalez.  |
| Mr. Max Lazard.  | Mr. Vletor A. Pujazon.                                       |
| Mr. Louis Guérin.  | Poland:  |
| Mr. Léon Jouhaux.  | Mr. Franciszek Sokal.  |
| Great Britain:   | Mr. Jozef Rymer.   |
| Mr. J. F. G. Price (substitute for Right Hon. G. N. Barnes). | Mr. Edmund Bernatowicz.                                      |
| Sir Malcolm Delevingne.                                      | Portugal:  |
| Mr. A. J. C. Ross (substitute for Mr. D. S. Marjoribanks).   | Mr. José Barbósa.  |
|  | Mr. Alvaro de Lacerda.                                       |
|  | Mr. Alfredo Franco.  |
|  | Roumania:  |
|  | Mr. C. Orghidan.   |
|  | Mr. Gregoire Michaesco.                                      |



Serbs, Croats, and Slovenes:  
 Dr. Vellmir Stoykovitch (substitute  
 for Dr. Slavko Y. Grouitch).  
 Mr. Marko Bauer.  
 Slam:  
 Phya Prabha Karavongse.  
 Phya Chanindr Bhakdi.  
 South Africa:  
 Mr. H. Warrington Smyth.

South Africa—Concluded.  
 Mr. William Gemmill.  
 Mr. Archibald Crawford.  
 Spain:  
 Mr. J. Gascon Marin (substitute for  
 Viscount de Eza).  
 Mr. Pedro Sangro (substitute for  
 Mr. Adolfo Gonzalez Posada).  
 Mr. Alfonso Sala.

Spain—Concluded.  
 Mr. Francisco Largo Caballero.  
 Sweden:  
 Dr. E. Gunnar Huss (substitute for  
 Judge A. Erik M. Sjöborg).  
 Senator R. G. Halfred von Koch.  
 Senator Hjalmar von Sydow.  
 Mr. A. Herman Lindqvist.

Switzerland:  
 Dr. Hermann Rufenacht.  
 Mr. Dietrich Schindler.  
 Mr. Conrad Ilg.  
 Uruguay:  
 Dr. Jacobo Varela.  
 Venezuela:  
 Dr. Don Santos A. Dominici.  
 Mr. César Zumeta.

## TWENTY-FIRST SESSION—WEDNESDAY, NOVEMBER 26, 1919.

The conference convened at 2.55 o'clock p. m., November 26, 1919, Right Hon. G. N. Barnes (Great Britain), vice president of the conference, presiding.

The PRESIDENT. Might I call the conference to order, please. The secretary will read some announcements.

The SECRETARY GENERAL. There was a mistake in the bulletin issued last night in regard to the meeting of the workers' delegates which is being summoned. The meeting in question is to take place at 2.30 to-morrow afternoon, Thursday, in the New Navy Building, room 1022.

The PRESIDENT. Now, as I understand, you have got as far as the first draft recommendation; and inasmuch as that did not get a vote, or there were not sufficient votes cast to constitute a majority of the delegates, that fails. We must now take a vote on the following draft recommendations; that is, 2, 3, and 4, and after that on the resolutions, which are numbered 1, 2, 3, and 4, and still further, the draft convention on reciprocity of treatment of foreign workers. The rule in regard to voting is that we must have at least a majority, in accordance with article 403 (17) of the treaty. A vote is not valid if the number of votes cast is less than half the number of delegates attending the conference. This number shall be determined after the presentation of the brief report referred to in paragraph 2. Now, that means we must have half of 60, because 60 is half the number of delegates attending the conference, and we must have a majority of that 60; that is to say, there must be 60 votes cast, and in order to carry a draft recommendation or resolution, you must have a majority of that 60.

The first resolution upon which I should like you to vote is upon page 295 of Saturday's proceedings [Provisional Record], and reads as follows:

The International Labor Conference recommends to the States members of the permanent organization that the recruiting of bodies of workers in one of these States—

Mr. CRAWFORD (South Africa). Mr. Chairman, a point of order. That has been dealt with.

The PRESIDENT. Let me just proceed, Mr. Crawford. After I have read it, you can move a point of order if you want to, but not in the middle of reading.

with a view to their employment in another such state should not be permitted except by mutual agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned.

Now, we will have the translation.

Mr. CRAWFORD (South Africa). Mr. Chairman, I would like to draw your attention to article 10 of the standing orders, dealing with the right to address the conference. The fifth paragraph says:

A delegate may rise to a point of order at any time, and such point of order shall immediately be decided by the President in accordance with the standing orders.

I claim, when I arose a minute ago, Mr. Chairman. I had a right to put my point of order. My point of order is that No. 2 has been dealt with, and when the conference adjourned we were proceeding to discuss No. 3.

The PRESIDENT. I understand, Mr. Crawford, that a snap vote was taken just as the conference was separating, and therefore it would be fair to give the conference another opportunity of voting on this resolution.

Mr. CRAWFORD (South Africa). I submit, Mr. Chairman, you should ask the conference to give it permission to move.

The PRESIDENT. Will anyone move either one way or the other?

Mr. GEMMILL (South Africa). Mr. President, I must express the opinion that the vote which you referred to just now was not in any sense a snap vote. It seemed to me that the number present was very similar to that present when the other resolutions came up, but a number abstained from voting. In view of that I would move, Mr. President, that the vote that was taken on recommendation No. 2 stand and that we proceed to discuss No. 3.

The PRESIDENT. Can I get a second to Mr. Gemmill's motion?

Mr. CRAWFORD (South Africa). I second it.

The PRESIDENT. It is moved and seconded that the vote taken before lunch time stand as having been valid.

Mr. SOKAL (Poland). Mr. President, I request a new vote on recommendation No. 2, because before lunch the assembly was not complete, and it is absolutely necessary to vote once more on the second recommendation.

The PRESIDENT. I take it that is a negative, Mr. Sokal. You will vote against Mr. Gemmill, of course. Mr. Gemmill now moves that the vote cast before lunch time stand as conclusive.

Will all those in favor of Mr. Gemmill's proposition please signify by raising their hands?

[Votes counted.]

Those against Mr. Gemmill, please signify.

The SECRETARY GENERAL. I am afraid they do not understand, sir.

The PRESIDENT. Down a moment, please. I am afraid that there is a misunderstanding as to what you are voting on. Let me try and put it as simply as I can. You took a vote on draft recommendation No. 2 before lunch. I understand that there were only 43 votes cast, and the suggestion was made to me when I took the chair that in consequence of the small number of votes cast, and as a number of delegates had left to go to lunch—including myself—that there should be another vote taken on that No. 2 draft recommendation. Mr. Gemmill says we don't want another vote; if delegates were not here, that is their fault, and that therefore the vote cast before lunch time should be regarded as conclusive. Now, voting for Mr. Gemmill is voting that the vote taken before lunch time is conclusive and that therefore no further vote must be taken. Is that understood?

May we have a vote now?

Mr. ROSS (Great Britain). I think, Mr. Chairman, that the hesitation on the part of members in voting either for or against Mr. Gemmill's motion, is that they are uncertain whether a vote when 60 members are not present, as pointed out by you, would be a valid vote.

The PRESIDENT. No. It is not a valid vote. That is the reason why a suggestion has been made for another vote. The vote cast before lunch time is invalid.

Mr. ROSS (Great Britain). Does that not also refer to the first recommendation?



The PRESIDENT. Yes; it does.

Now we have to vote on Mr. Gemmill's proposition, which is to validate the vote taken before lunch time and thereby invalidate the second recommendation. All those in favor of Mr. Gemmill's proposition please signify.

[Votes counted.]

All those against Mr. Gemmill's proposition please signify.

[Votes counted.]

I have to declare that 35 have voted for Mr. Gemmill's motion and 33 against. Therefore, the vote taken before lunch time stands.

Mayor Baron DES PLANCHES (Italy—remarks in Italian): I would like a little light thrown on the proceedings that have just taken place. I confess that I have not understood the result of the vote that has just been taken, and I would ask the Chair for an explanation. Was resolution No. 2 approved or not?

The PRESIDENT. Resolution No. 2 was voted on before luncheon and failed to poll a valid majority of votes, therefore it fails. The only suggestion made since luncheon was that, inasmuch as a number of the delegates were absent when the vote was taken, we might take another vote. We have now decided not to take that other vote, so that No. 2 as well as No. 1 has fallen—neither No. 1 nor No. 2 has been carried.

May we now take a vote on No. 3? The conference recommends—

Mr. MERTENS (Belgium). From the explanation given by the interpreter, I did not understand that Mr. Barnes had said that the vote which we took killed the two recommendations. Furthermore, since I have the floor, I must say that I just noticed that there were a great many delegates this morning who did not take part in the voting, and I notice now that the same persons who refrained this morning took part in the vote just now to kill the recommendation. Well, I deplore the attitude of these delegates.

Mgr. NOLENS (Netherlands). Mr. President.

The PRESIDENT. Dr. Nolens.

Mgr. NOLENS (Netherlands). If I rightly understand the situation as it exists, it is that the vote on the first recommendation stands valid, and this first article of the draft recommendation is accepted. I do not think that is the case. But, in that event, the situation should be cleared up. Probably several others as well as myself are of the opinion that the vote was validated after voting on Mr. Gemmill's motion. That was the question. There was a vote and there was no quorum, as you call it. There was, to be sure, a quorum present, but not enough of those voted. After this proposal which was accepted they said: All the same, there was a quorum and therefore the vote was valid. Consequently, that holds good also of the first article. If the vote was valid for No. 1, and it is consequently rejected, then the former, to which the same method applies, is accepted. Otherwise I do not understand the thing at all.

Further, I should like to say that for my part I always vote. When I do not vote for a motion, I vote against it. But I understand very well that there are many members who hesitate at a certain moment and do not know how to give their vote; and that comes largely from this—I am not saying this to reproach the committee, which has done its best—but that comes largely from this: We have before us a condition which, in its full extent, is incomprehensible to several persons. I take the liberty of saying that, and I might repeat it with regard to the other propositions which will follow. But I must say that if we require a quorum of the members voting, then we shall probably have the same question to decide again frequently this afternoon, and perhaps to-morrow, and day after to-morrow. For that reason I resolved to give my vote in favor of the proposition of Mr. Gemmill; I gave it solely for the reason that otherwise we shall never get through with it. But the main question is this: We have a mass of resolutions, recommendations, and conventions before us. I must say that I understand these matters somewhat, having as professor given a year's course at the University of Amsterdam on questions of unemployment,

and yet with the rules that we find here, it is difficult for me to decide how to vote. But for my part my way is, when I can not vote for a motion, to vote against it.

Mr. GEMMILL (South Africa). Mr. President.

The PRESIDENT. Mr. Gemmill.

Mr. GEMMILL (South Africa). On a point of order, Mr. President. I do not wish to take up the time of the conference. I understood that the motion was the one which I moved, namely, that this morning's vote on recommendation No. 2 should stand as it was taken and decided then, and that we should proceed to No. 3. Are we, therefore, in order in continuing the discussion on the same point?

The PRESIDENT. No, sir; we are not; and I hope we shall now proceed to vote on No. 3.

Mr. Gemmill pointed out that the vote just taken validated the vote taken before lunch, and therefore we must proceed; that is all.

Dr. CASTIGLIONE (Italy). I want to ask this question: According to what we understand, recommendation No. 2 has been killed. Is that so?

The PRESIDENT. Yes, sir; that is so.

Dr. CASTIGLIONE (Italy). Now, I want to ask the Chair if the Chair will allow me to introduce another resolution, an amendment to resolution No. 2?

The PRESIDENT. No, sir. You can not amend a resolution which is not before the house. You have just said that the resolution is killed. Therefore you can not amend the corpse.

Mr. ROBERTSON (Canada). Mr. Chairman, inasmuch as there seems to be considerable misunderstanding as to the effect of the vote taken, may I ask the Chair if he would accept a motion to reconsider the action taken on recommendations Nos. 1 and 2?

The PRESIDENT. If I had to consider and settle that matter, I should decide against it, because you have already voted twice. I must assume you knew what you were voting upon, and you have voted twice to kill resolution No. 2; hence I must regard resolution No. 2 as dead.

Mr. ROBERTSON (Canada). Mr. Chairman, I think that we should proceed along broad lines and not be in any way technical. I therefore move that this conference do now reconsider the action taken on recommendations Nos. 1 and 2. Let us get the matter straightened out clearly.

Dr. CASTIGLIONE (Italy). I second the motion.

The PRESIDENT. Mr. Sokal is recognized.

Mr. SOKAL (Poland). I, too, second the motion of Senator Robertson, and I desire to draw the attention of the assembly to the fact that if we vote again, as we voted on the motion of the delegate from South Africa, we shall kill recommendation No. 2 without knowing it. We did not know that the result of the voting before lunch was negative. Many among us were convinced that this result was positive. Now, if the vote was not valid, we ought to vote on recommendation No. 2 and not on the motion of the delegate from South Africa. We were not sufficiently enlightened, as has been emphasized by Baron Mayor des Planches already. For these reasons I heartily support Senator Robertson's motion to reconsider recommendation No. 1 and recommendation No. 2.

Mr. GEMMILL (South Africa). May I ask if the resolution moved by Mr. Robertson is in order? As I read article 13, no resolution can be moved in any session of the conference unless a copy has been handed in to the secretary at least two days previous.

The PRESIDENT. I have to decide that Senator Robertson is quite in order. If Mr. Gemmill will turn to 13-c, in the case of motions as to procedure no previous notice need be given nor need a copy be handed into the clerk of the conference.

Mr. CRAWFORD (South Africa). Mr. Chairman, I wish to challenge the suggestion that this is a matter of procedure. There is nothing to proceed with. When a vote has been dealt with—

The PRESIDENT. That is a matter for the Chair, I think, Mr. Crawford.



Mr. CRAWFORD (South Africa). I am submitting that.

The PRESIDENT. So long as I am here I am going to decide questions according to my judgment. If you want somebody else to come here, of course you are at liberty to do so.

Mr. CRAWFORD (South Africa). Have I not the right to challenge the Chair?

The PRESIDENT. You have.

The proposition of Senator Robertson is to reconsider Nos. 1 and 2, so that you can vote on them well knowing what you are voting about.

Mr. CRAWFORD (South Africa). A point of order, Mr. Chairman. I want to draw your attention to article 13, the last paragraph, which defines motions as to procedure. That shows the intention of motions as to procedure, a motion to refer back, a motion to postpone consideration of the question, a general motion of adjournment, a motion to adjourn the debate on a particular question, a motion that the conference proceed with the next item on the day's program for the sitting. I submit that does not come under any of those categories.

The PRESIDENT. But, Mr. Crawford, if you will read the first line, you will see that matters of procedure include all those things that you have just stated. If there is anything else not included there and which may seem to the Chairman, for the time being, to be a matter which might be discussed again, that, it seems to me, is a matter for the Chairman to decide.

May we have a vote for and against Mr. Robertson's motion? Voting for Mr. Robertson will, of course, apply to the two recommendations. All in favor, please signify. [Votes counted.]

Down, please. Those against. [Votes counted.]

Forty-nine have voted in favor of Mr. Robertson's motion and 28 against; I therefore declare that motion carried and will proceed to take a vote on all the draft recommendations, beginning at No. 1.

Dr. GARCIA (Ecuador). Mr. Chairman, the vote therefore shows that we do not know what we are doing.

The PRESIDENT. Well, that is a matter for yourselves, my friend. I will take a vote now on No. 1, please. Shall I read it, or have you all read it?

A DELEGATE. We have read it.

The PRESIDENT. You have read it?

Mr. CRAWFORD (South Africa). Mr. Chairman.

The PRESIDENT. Is it a point of order, Mr. Crawford?

Mr. CRAWFORD (South Africa). Yes. My point of order is that Senator Robertson's motion was that these questions should be reconsidered, not voted upon.

The PRESIDENT. That is a matter for Mr. Robertson.

Mr. CRAWFORD (South Africa). My point is this, Mr. Chairman: In the morning the chairman in putting every question asked first if there was any discussion before he put the questions to the vote. Our present chairman is putting questions to the vote without asking for discussion.

Mr. LAZARD (France). Discussion has taken place.

Mr. CRAWFORD (South Africa). Discussion has taken place on one or two, but the chairman is proceeding to put every question to the vote without first inviting discussion. I say that the motion of Senator Robertson was to reconsider the question, which would leave the question again open to discussion. [Cries of "No!" "no!"] Well, that is surely the meaning of "reconsider." [Cries of "No!" "no!"] I want the chairman's ruling on the matter.

The PRESIDENT. I understand that Nos. 1 and 2 were discussed before lunch. [Cries of "Yes!"] We had not gone beyond Nos. 1 and 2, and therefore Mr. Crawford's point had not arisen. I was about to read No. 3, and possibly I might have asked for discussion on No. 3. Mr. Crawford will have a chance when No. 3 is read to discuss No. 3 if he wants to.

I am told by a gentleman on the left that it is very difficult for him to hear what is going on, because of conversations around the center of the floor. Might I appeal to the delegates to be quiet during the proceedings, so that those at the extremities, at both ends, may hear what is going on?

Now, a vote on No. 1, please. All those in favor of No. 1 draft recommendation, on page 295 [Provisional Record], will raise their hands. [Votes counted.] Those against. [Votes counted.]

Sixty-one have voted in favor and 13 against, and therefore I declare No. 1 carried.

Now, a vote on No. 2. All those in favor of No. 2 please signify by holding up your hands. [Hands raised.] Those against raise their right hands. [Hands raised.]

Fifty-four have voted in favor and 16 against. Therefore I have now to declare No. 2 carried.

Now, we will take up No. 3.

The conference recommends as a method of dealing with unemployment, that each State member of the permanent organization shall take steps to establish an effective system of unemployment insurance, either through a system worked by the State or through a system of subventions or grants by the State to associations, the rules of which provide for the payment of benefits to unemployed workers who are members of such associations.

No. 3 is now before the meeting. It is already before you in French and English and there is no need for a translation.

Mr. CARLIER (Belgium). We call for the rejection of this provision. It is premature, it is extremely difficult to enforce, and the directions accompanying it are so formidable that the Governments to which it is sent will either say that they have already fulfilled them beforehand, or that it is an extremely delicate matter and it is almost impossible for them to satisfy the requirements.

Mr. MERTENS (Belgium). I beg the assembly not to support the views expressed by Mr. Carlier, and I shall explain why: Even in our own country, in Belgium, at this moment, a draft law is being prepared to be presented to the chamber in order to provide unemployment benefits for the workers in our country. I deem it inconceivable that a Belgian delegate can at the present time propose not to recommend the adoption of such a plan to our country. For this reason I urge the conference to vote unanimously for the recommendation before us.

Baron Mayor DES PLANCHES (Italy—remarks in Italian).

I shall vote in favor of this proposal contained in the resolution now before the conference, and I take this opportunity to inform the conference that in Italy an institution already exists which complies with the requirements of that resolution.

Mr. CRAWFORD (South Africa). I just want to make a point on No. 3 that I wanted to make on Nos. 1 and 2, when they came up, on the question of reconsideration. I am one of those delegates that did not vote either way on Nos. 1 or 2 and do not propose to vote either way on No. 3. But I want it to be understood that my reason for not voting is that I am not necessarily against the proposals if they were initiated by the International Labor Office for consideration at a future conference. But I may be against the proposal going to the International Labor Office with the backing of a majority of this conference, and under these circumstances I do not think any delegate—and Mr. Mertens was one who took exception—should say that those who do not vote because with their presence a majority of the conference are taking part in the thing, that their vote should have no value and no influence.

The standing orders are constructed, as I take it, to give a vote of that character some value, namely, the vote of a delegate which is not cast because he is not against the proposal if it comes from the International Labor Office but is against it going to the International Labor Office with the weight of this conference behind it.

Mr. DRAPER (Canada). Question.

Mr. JOUHAUX (France). Permit me to say a word. I ask the assembly to pronounce in favor of the recommendation before us, for if the present conference were to declare against it, it would really be pronouncing against the spirit of the whole report and against the very motives which prompted the organization of the commission on unemployment. On the other hand, if the conference should pronounce against the recommendation, it would be going contrary to the practice established in most countries during the war. We must admit that if the question seemed inopportune in 1914, it is to-day, after five years of war, perfectly ripe. In almost



all countries, in one way or another, systems of insurance against unemployment have been established.

Mr. POSADA (Spain—remarks in Spanish). I am for compulsory insurance against unemployment. I think that is the minimum which the present conference can obtain.

Mgr. NOLENS (Netherlands). I am for this recommendation, and it seems to be everybody's duty to be for it also. In our country we have a very modern system of insurance against unemployment, and for that reason I am in favor of the recommendation. I hope that the conference will vote unanimously in favor of this recommendation, and I propose our own system.

The PRESIDENT. We will vote now on No. 3. All those in favor of No. 3 resolution please signify by holding up one hand. [Votes counted.] Those against, please. [Votes counted.]

Sixty-six have voted in favor and three against; therefore No. 3 is carried. Now we will take No. 4, as to the recommendation that each State member of the permanent organization adopt measures with a view of coordinating the execution of all public works.

May we take a vote on that? Any discussion? If not, I will take a vote. All those in favor of No. 4, please signify. Those against, please.

Sixty-two voted in favor; therefore that is also adopted.

I have to declare that all the draft recommendations then become the finding of the conference at the present stage.

Now we come to the draft resolutions. May I take No. 1?

If there is no discussion we will proceed. All those in favor of No. 1 draft resolution please signify by raising their hands. [Votes counted.] All those against No. 1 draft resolution? [Votes counted.]

Sixty-two in favor and none against. Therefore I declare No. 1 carried.

Now, No. 2 resolution, for placing upon the agenda for the next session of the conference the question of transforming recommendation No. 3 into a convention on unemployment. All those in favor of draft resolution No. 2 will please signify by raising their hands.

Sir MALCOLM DELEIVINGNE (Great Britain). May I suggest that the vote on this resolution be postponed? A large number of suggestions for the agenda of the next conference have been made by the different commissions, and it would seem more convenient that we should consider all those suggestions together, and not take a vote on each individually in connection with the different reports.

The PRESIDENT. Mr. Lazard.

Mr. LAZARD (France). I should have no objection to the proposal of Sir Malcolm Delevingne if it were a question of a final vote, but now we are undertaking only a preliminary vote. In this preliminary vote we have the possibility of considering the entire number of questions submitted and of manifesting the desires of the assembly. This vote is recorded, and at the second reading, or eventually, in connection with all the questions to be submitted to the vote of the assembly from the point of view of the agenda of the next session, a final vote is taken. I should have no objection to that, but I request that the preliminary vote be taken in such a way that the assembly may pronounce on this proposition (since it is complementary to the question of insurance against unemployment) in such a way that the question must be submitted to the next conference in order to result in a draft convention.

The PRESIDENT. Is there anything further? We will now take a vote on it, gentlemen.

Mr. KERSHAW (India). Mr. President, may I suggest that under the treaty a record vote is required in this case, and a two-thirds majority is necessary?

The PRESIDENT. Mr. Kershaw suggests a record vote. Have you 20 supporters, Mr. Kershaw?

Mr. KERSHAW (India). My point was, Mr. President, that a proposal to place an item on the agenda of the next conference will require a two-thirds majority, and therefore the vote must be a record vote.

The SECRETARY GENERAL. Can you give us the number?

Mr. KERSHAW (India). It is article 422 of the peace treaty, I think.

The PRESIDENT. I find nothing of the kind here, Mr. Kershaw.

It is rather obscure, gentlemen, as to whether Mr. Kershaw has a right to demand a record vote or not, and I think the reference to which he has directed our attention is not intended to apply to a conference, but is intended to apply to an objection that might be raised by the Governments to an item placed on the agenda for a conference, not by a conference, but by the governing body. That is as I find it. But still at the same time, right or not right, if Mr. Kershaw desires a record vote to be taken now and is supported by 20 members, I do not see why it should not be done.

Well, I find that there is a reference in the treaty as follows [article 402]:

If the conference decides (otherwise than under the preceding paragraph), by two-thirds of the votes cast by the delegates present, that any subject shall be considered by the conference, that subject shall be included in the agenda for the following meeting.

I really do not know whether "the conference" means this or not.

This is all out of order; it has no application to the present position, because the reference to which Mr. Kershaw has now directed our attention is something with relation to something that may be considered at this conference. You are now considering whether or not you will send something forward to the next conference. Therefore I get back to my previous ruling. As I understand it, a record vote can be had at any time if 20 members support a member in demanding that record vote. If Mr. Kershaw demands that, he can have it.

Mr. KERSHAW (India). No. I do not wish a record vote.

Sir MALCOLM DELEIVINGNE (Great Britain). Mr. President, may I suggest to Mr. Lazard that he is mistaken in thinking that there will be another vote on this question.

I submit that this resolution comes up now finally for decision. If a vote is taken now it will be a final vote on the question whether this subject shall be included in the agenda for next year's conference.

This resolution is not on the same footing as a draft convention or a draft recommendation, which have to come up for a final two-thirds vote. This resolution is on a different footing and will be decided by a simple majority. I submit that the vote, if now taken, will be a final vote and that it will prejudice, or may prejudice, the position as regards other suggestions and recommendations for the agenda of next year's conference which have been submitted by other commissions. There is a proposal, or may be a proposal, to refer all these suggestions for the agenda of next year's conference to the governing body, and I therefore ask Mr. Lazard to consent to the postponement on the vote of this resolution until the other suggestions can be considered at the same time. It will in no wise prejudice the position as regards this resolution or as regards his report, and if it is in order I will propose a motion for the postponement of this resolution until the other suggestions to the agenda of next year's conference can be considered completed.

The PRESIDENT. It is proposed now that this motion be postponed for consideration until the suggestions sent in in accordance with the convention are considered by the governing body. I take it that is what you mean.

Sir MALCOLM DELEIVINGNE (Great Britain). No, sir—until the suggestions which have been made by other committees can be considered together with it by this conference and decision taken.

The PRESIDENT. Mr. Lazard.

Mr. LAZARD (France). I did not request a final vote; I thought that we should have two votes. If the assembly thinks that it is not feasible to have two votes, that we must proceed at once to a final vote, I have no objection. I accept the arguments offered by Sir Malcolm Delevingne, in the sense that I agree with him in thinking that it is equitable to submit all the questions which shall be presented to the vote of the assembly from the point of view of their inclusion in the agenda of the next session.



If it is understood that all these questions shall be presented and that in this presentation the conference will have an opportunity to decide either to refer to the governing body for a final decision or, on the other hand, to retain such items as may seem particularly important and to say that they shall be included in the program of the next conference by a two-thirds vote, now, if we agree on that point, I agree absolutely in not voting at the same time.

The PRESIDENT. I take it that Sir Malcolm's proposition is that we defer consideration of this until the propositions come up in draft form, and then they will be considered together with all the other recommendations. Is that so?

Sir MALCOLM DELEIVINGNE (Great Britain). Yes; that those propositions come up together, as they will before the close of the conference.

The PRESIDENT. Now, you understand the position?

Now, I will take a vote on Sir Malcolm Delevingne's proposal, which is, that the consideration of this particular resolution, No. 2, be deferred until other matters connected with the unemployment problem come up in draft form.

Now, all those in favor of postponement will please signify by raising their hands.

Mr. ROWELL (Canada). I did not understand Sir Malcolm Delevingne's motion to be as stated by the chair. I understood his motion to be that consideration be postponed until we have before the conference the other proposals for next year's agenda, and that we should consider those at the same time as we consider other proposals for next year's agenda? Am I right? I would like to ask Sir Malcolm if that is what he said.

Sir MALCOLM DELEIVINGNE (Great Britain). Yes; that is right.

The PRESIDENT. Gentlemen, you have heard it explained. I think it would be better if amendments were handed up in writing. There is nothing of the sort now up here, and we have to interpret the motion as best we can. All those in favor of postponement will please signify by raising their hands.

[Votes counted.]

All those against postponement will please signify by raising their hands.

[Votes counted.]

Forty-four have voted in favor and nine against, so that that disposes of it for the time being. It will come up again later on.

May I now take up No. 3?

Mr. DRAPER (Canada). Mr. President, before you proceed I would like to ask if a vote of 44 to 9 constitutes a quorum of the conference.

The PRESIDENT. It will for this matter. You see it will come up again later.

Is there any discussion on No. 3? If not, I will take a vote.

Mr. ROBERTSON (Canada). Mr. President, there was an amendment moved to No. 3 yesterday by Mr. Gemmill of South Africa.

Mr. CRAWFORD (South Africa). That is No. 4.

The PRESIDENT. All in favor of No. 3 will please signify by raising their hands.

[Hands raised.]

All those against will raise their right hands.

I must declare the vote invalid. Fifty-six have voted in favor and none against. Therefore, there having been less than a majority of the delegates to this conference voting, it falls for the moment.

I am told there is some doubt existing in the minds of the tellers as to their figures. May we have a recount, so that there shall be no doubt as to the finding of the conference. I will ask for a vote once more on No. 3. Those in favor of the adoption of No. 3 will raise a hand.

[Votes counted.]

Are there any against?

[None.]

There are now 61 votes cast for the resolution. Therefore, I have to declare it valid.

On No. 4 there is an amendment, and therefore I will read No. 4 and the amendment, so that the conference will be in a position to know what they are discussing. The resolution is as follows:

*Resolved*, That the governing body of the International Labor Office shall appoint an international commission which, while giving due regard to the sovereign right of each state, shall consider and report what measures can be adopted to regulate the migration of workers out of their own states and to protect the interests of wage earners residing in a state other than their own, such commission to present its report at the meeting of the International Conference in 1920.

And the resolution which stands in the name of Mr. Gemmill, of the South African delegation, is as follows:

The representation of states in the European countries on the commission shall be limited to one-half of the total membership of the commission.

Mr. GEMMILL (South Africa). Mr. President, yesterday I moved this amendment and gave my reasons for it, and I will not take up the time of the conference in repeating what I said then. It is actually moved and seconded.

Mr. GONDRA (Paraguay—remarks in Spanish). I second the motion presented by the delegate from South Africa. South America is represented by only a small number of persons on the future governing board of the International Labor Office, and here is an occasion to rectify in a way this disproportion by giving an equal number on this commission, which is, in a way, going to be part of the International Labor Office.

Another thing is not to be lost sight of. The creation of this International Labor Office and its governing body is the first manifestation of the League of Nations, and South American interests must be safeguarded there. South American countries have a considerable industrial importance. The population of those countries is 80,000,000, and the commerce is considerable; the exports alone amounted to \$2,000,000,000 and these figures are the figures given before the war.

Now, I very strongly recommend, therefore, the motion of Mr. Gemmill. I hope the conference decides that the countries that receive an immigrant population shall be represented by one-half of the delegates on that special commission.

The PRESIDENT. Mr. Crawford.

Mr. CRAWFORD (South Africa). Mr. President, this International Labor Conference was initiated as a result of a chapter in the peace treaty which was characterized by sentiments of the loftiest kind, breathing the spirit of good will and brotherhood. Now, it is going to be a very difficult thing indeed to maintain in the International Labor Conference that excellent spirit that characterized its birth, and already it appears to me that there is a tendency for economic interests of a contending character to come into relief. It was particularly evident to my mind in the minority report that was presented earlier in the day by Mr. Baldesi. It was indicated there that there was an opposing economic interest between the older world and the newer world—the old world with its teeming population which it desires to retain because of its economic interest, the new world with its abundance of raw material which it desired to use for the development of its population and which desired the labor from the older countries to enable its industries to develop. These contending economic interests characterized themselves in that particular report.

When I got up and stated that I abstained from voting and desired to give my reasons, I intended to say that while I agreed entirely with the desire of Mr. Baldesi that this matter should be inquired into, I was not prepared to intrust such an inquiry to any commission or governing body the personnel of which consisted almost entirely of representatives of European countries. And I make bold to say that if Mr. Baldesi in his minority report, had given protection to the younger countries by suggesting that such an inquiry should be conducted by a commission equally representative of the older and newer countries, with their peculiar economic interests in view, I, who did not vote at all, would have voted for it, and many of the other representatives of the newer countries would have voted for it, and it would have been carried.



Now, if this conference is going to succeed it is essential that far more consideration be given to the newer countries. They should not be despised because their populations are small. Their potentialities are great, and you can not very well ignore those potentialities. When the representatives of the newer countries go back to their respective countries and report what has transpired, and are asked what is the international situation, what interest they have in it, what control they have over it, and they give the facts and figures concerning it, the feeling will be given birth to, and will grow in the newer countries, that this movement, which was lofty at the outset, is becoming one which is likely to be taken advantage of by the old countries to perpetuate their dominance of the industrial affairs of the universe. Now, that is an impression that it is very desirable to dispel. I for one am fully in accord with all that has been done, particularly by the commission which dealt with unemployment, but as the representative of another country, I voted for very few of the measures, because I did not want to intrust the economic interests of my country to a commission on which their interests are not in any way represented, and, because of that, in which their interests may not be adequately protected.

If this conference is going to perpetuate itself it is necessary for more consideration to be given to the newer countries than has been given heretofore. And certainly when it comes to a consideration of questions where there are only two interests, and those are diametrically opposed, then the representation on that commission should be equal, just in the same way in labor matters we have insisted in recent times that the interests of employers and employees be equally represented. So should the economic interests of the old and the newer countries be equally represented on commissions of this character. We have got to practice after all what we preach, and you may get all the resolutions through this conference that you like with the application, if I may use the term, of a steam roller, and that would not make those resolutions applicable as it is desirable they should be applicable to the whole universe.

It is necessary that you should create an impression in the newer countries that you are out not for your own selfish interests—I am speaking to the representatives of the European countries and I am appealing to them—not to give the impression that you are out for your own selfish interests but that you are out to give the outside and newer countries a square deal; that you are not out to take advantage of them, but that you are out to work with them in a spirit of good will and accord, and I therefore trust, Mr. Chairman, that this amendment proposed by the employers' representative from South Africa will get the support not only of the representatives of the newer countries but particularly of the representatives of the European countries.

I think it is an excellent opportunity for them to indicate—and I wish the spirit of it would extend to other decisions of the conference—I say, it is an excellent opportunity for them to indicate that where the economic interests of other than European countries conflict with European countries, the European countries are prepared to take nothing more than an equal share and to guarantee to the newer countries a square deal.

The PRESIDENT: There are four persons who have been competing to catch my eye to speak on this simple resolution. I want to make an appeal to the conference. We have still to take, and we intend to take to-day, the report of the special committee on Eastern and other countries. We have decided that we must finish this week, and I want to make an appeal to the conference to have some regard for what is to follow, as well as what is now before the conference. Now, it does seem to me that this is a very simple proposition. We have had three speeches in favor of it, and I would appeal to those who are in favor and who felt disposed to speak to refrain from doing so and to give the floor to those who are against the proposition. It seems to me, gentlemen, that what we are running up against is exhausting ourselves in talking on a great

many topics, and then leaving a great many more to be decided the last day without any talk at all. That is unfair to those propositions that have to come on, and I hope the conference will proceed now on that assumption.

Mr. Lazard is the first one who was up. Do you want to talk?

[Mr. Lazard yields the floor.]

Mr. DRAPER (Canada). Sir, I propose a closure on the Gemmill amendment.

Mr. FRANCO (Brazil). I call for the floor on this question, which is very important for the interests of Brazil and South America in general.

Mr. FRAIPONT (Belgium). I wish to speak against the closure.

The PRESIDENT. Out of order, sir. There is only one speech allowed on the closure.

Mr. DRAPER (Canada). Under these circumstances, I withdraw the motion for closure.

The PRESIDENT. Is it the wish of the conference that Mr. Draper shall withdraw his motion for closure, in order that the delegate from Brazil may talk?

Mr. FRANCO (Brazil). I have the honor to invite the delegates representing Latin America to vote against the provisions of article 4 of this proposition. It is decided that the governing body of the International Labor Office shall constitute an international commission, which shall respect the rights of each State by making a report upon the measures to be adopted with a view to the regulation of the emigration of workers outside of their native country. Brazil is a young country; it sends out no emigrants, but it receives immigrants. We, the young nations of Latin America, are not nations of emigration, we are nations of immigration; we welcome workers from all parts of the world and give them the guarantee of our laws and our constitution for the absolute protection of their rights in order to equalize the situation created for them by the national laws of their respective countries. This commission is going to intervene in the territory of the young nations of Latin America and I can not understand, Mr. President, what the measures are that it will impose on them.

In international law it is the diplomatic agents, it is the countries to which workers go in search of work, that become their natural protectors. This arrangement, Mr. President, is out of harmony with the legislative system of all the countries of Latin America. It is flagrantly opposed to the provisions of our constitution. We should be doing a vain and ephemeral work, a work which could not be sanctioned by the executive authority of our States, nor by their legislative bodies, which have to give final approval to the provisions which are accepted by the Chief of the State. If this commission is to be made up from the International Labor Office, which is composed of 24 representatives, only 1 of whom at the present moment represents the nations of South America, we do not know what guarantees we, the young nations of South America, shall have for safeguarding very important rights of our countries. And if we can not now accept the amendment proposed by the representatives of South Africa, we nevertheless agree with the minister of Paraguay. We positively reject this proposition, because it is contrary to the vital interests of our countries.

The PRESIDENT. Mr. Léon Jouhaux.

Mr. JOUHAUX (France). I do not wish to trespass upon the attention of the conference any longer, but nevertheless I desire to say a few words in reply to the argument set forth by Mr. Crawford. Representing a country, or belonging to a country, which has acquired nothing from the war but sorrow and ruin, we accept the proposition embodied in by the amendment which has been laid before us. To-morrow we shall be a country of immigration and on the same footing as the countries of America and the countries of immigration on other continents. We intend that foreign workers who may come among us shall have the same rights as native workers, and shall have the same obligations and the same duties. On this question we are in complete agreement with the principle



which has been formulated, and, if it were possible to go further along that path, we should have joined in that bold undertaking. But having said this, we can not accept the argument that the countries of Europe are trying to exploit the new continents; what we can not accept is the construing of the attitude which we took this morning in defending the Baldesi motion as being an attitude favorable to exploitation of the new countries.

We believe that there should be no privilege for one country as opposed to all the nations together. Such was the formula and the principle on which we based our argument. This principle we still maintain, and we claim that it is not an expression of resentment, but the expression of a sentiment of justice and of a really international spirit, of a thought of unfailing attachment to the central idea of the League of Nations. In closing, I shall add that if we wanted to know where the real international spirit lies, we would have only to refer to the vote expressed this morning on the Baldesi motion.

The PRESIDENT. May we take a vote, gentlemen?

The vote will be for or against the addition of Mr. Gemmill's amendment to the motion.

We will now take the vote, gentlemen, on the addition of these words suggested by Mr. Gemmill. All those in favor raise their hands.

[Votes counted.]

Now, all those opposed to the addition of these words.

[Votes counted.]

Mr. CRAWFORD (South Africa). I already drew the teller's attention to the fact that after he passed this table two others put their hands up, including this gentleman here.

The PRESIDENT. Well, might we have another vote, gentlemen? There is some doubt as to the number. Shall we have a vote again on the addition of Mr. Gemmill's words. And let me say that if you vote for the addition of Mr. Gemmill's words you will have a chance further along to vote on the resolution as a whole.

[Votes counted.]

Are there any against?

Then I will have to declare that Mr. Gemmill's motion has been carried, and now I have to put the original motion with the addition. All those in favor of the motion with Mr. Gemmill's addition, please signify.

[Votes counted.]

Are there any against?

[Votes counted.]

Fifty-seven have voted in favor and nine against; therefore I have to declare the resolution, with the addition, carried.

The last item is a draft convention on reciprocity of treatment of foreign workers. I will read it.

The States ratifying this convention or acceding to it shall reciprocally admit to the benefit of the laws and regulations having regard to labor protection, as well as the right of lawful organization, the workers belonging to one of these States and employed in another, together with their families.

And to that there are two amendments, one by the Swiss Government, as follows:

That the discussion of the draft convention as to reciprocal treatment of foreign workers be adjourned; that the proposal be referred to the governing body to be examined afresh and resubmitted, if necessary, to a later conference.

And there is also another amendment, handed in by Mr. di Palma Castiglione, as follows:

The Washington conference recommends to the States members of the International Organization of Labor to admit reciprocally, by means of special agreements, to the benefits of the labor laws and regulations, as well as to the right of lawful organization, the workers belonging to one of the States and employed in another, together with their families. The Washington conference decides that the transformation of his recommendation into a convention shall be examined by the next conference.

I think I shall take the Swiss amendment first, because that shunts the whole thing back to the governing body, and if that be adopted it will dispose at the same time of the Italian amendment.

Now, gentlemen, the draft convention is before you, together with the first amendment—that is, the Swiss amendment—the purport of which is to refer the matter back to the governing body, with a view of being examined afresh and resubmitted to a later conference. That is the motion. I will call upon the Swiss delegate to speak on it.

Dr. RUFENACHT (Switzerland). Mr. President and gentlemen, I shall content myself with referring to the arguments which I had the honor of laying before you at yesterday's meeting.

The PRESIDENT. Mr. di Palma Castiglione is recognized.

Mr. DI PALMA CASTIGLIONE (Italy). Mr. President, I am sorry to be against the amendment introduced by the Swiss delegation, not because I do not agree with the substance of the criticism that yesterday was moved against the draft convention submitted by the unemployment commission, but because I think it is our duty, the duty of this Washington conference, to give immediately its opinion on this question of the treatment of foreign workers. This question was brought up first in the international commission on labor legislation which agreed to submit a special clause to the peace conference. In this clause was stated the principle of equality of treatment without any restrictions and without any conditions. This principle, so presented without any conditions and without any restrictions, was modified by the peace conference. Then the labor commission of the peace conference took up again the question and introduced the principle with one condition, the condition of reciprocity. The proposition of the labor committee was referred to the supreme council of the peace conference, and the supreme council of the peace conference, with the decision of August 29, referred this matter to us for decision. If we accept the proposition made by the Swiss delegate we will shift our responsibility; we will acknowledge that we will not touch upon the question; we will say that there is another body which will be our creature which will be able to deal with it. Now, it seems to me that this step would leave a very painful impression, not only on those gentlemen who have referred the matter to us to decide, but also to the immense number of workingmen who every year on account of unemployment in their own country are obliged to leave and go to foreign countries.

In this instance I want to be clearly understood that I am not talking for the Italian emigrants. The Italian Government since 1900 has taken care of Italian emigrants and has shown to everybody how a State which has emigration can take care of its emigrants. So Italy and Italian emigrants are not concerned in this matter.

We are talking in behalf of the emigrants who belong to States which have had different conditions and different circumstances and which have not reached the stage and the grade of social development that we have reached. So Italy is not directly concerned in this matter, but it is a question of the right of foreign workmen, and especially those workmen who have no direct protection from their own States.

I think therefore that we ought to decide now. I think that it is our duty to decide now, and we can not get rid of this duty. On the other hand, the arguments put before us by the Swiss delegate yesterday were very forceful and very fair. He made us consider that we are not ready to pass a vote on a draft convention. Every one of us knows the importance of a convention. He pointed out that there are some special laws in some countries which must be carefully examined before extending their influence and their protection to foreign workmen, and I am entirely agreed with him in the last part of his remarks, and because of that I have the honor to submit to you an amendment to the draft convention introduced by the commission, in which I embody these two thoughts: That is to say, instead of making a convention, I suggest making simply a recommendation and secondly that the States interested be assured of reciprocal treatment only by means of special agreements, thus permitting the interested States to study the question and confront their own national labor legislators agreed on the degree of reciprocity that can practically be consented to.



For that reason I am sorry, I repeat, to be absolutely against the amendment, shifting our responsibility and putting the decision of this matter up to the governing body of the International Labor Office, and I insist that my amendment be put to a vote.

The PRESIDENT. Mr. Baldesi.

Mr. BALDESI (Italy). When I first brought forward at the beginning of this conference the question of the reciprocity of rights of workers in the several countries, I pointed out that it was a fundamental question for an international body of this sort, because it was the first affirmation of the principle of internationalism in labor legislation—that of guaranteeing reciprocity of rights to workers in the several countries.

I have had to modify my opinions very much during the course of these debates, and especially during the votes that have been taken on the several motions. I have had to convince myself that here it is not the international spirit that dominates, but that all questions are looked at here principally from the point of view of national egoism.

There is no doubt that this question of emigration is strictly connected with the question of unemployment. The way to reduce emigration is to provide employment for the men in their own countries, and therefore we come around again to the principles underlying the motion which this morning was voted down by a very small majority, the question of raw materials.

To ask this meeting now to vote on the principle of the reciprocity of rights for workers in the several countries would undoubtedly be to ask for a defeat. There would only be a minority who would be in favor of this motion, and I realize as the representative of a country in which emigration is a big factor that the best thing is to vote for that amendment which has been suggested by Mr. di Palma.

But if this meeting rejects this motion as amended by Mr. di Palma, after defeating the motion proposed this morning, which aimed at securing raw materials in order to employ laborers in their own country—if it now defeats this motion which asks for workers who emigrate the protection of reciprocity of rights in the legislation of the countries they go to—it will then have confirmed the fact that this assembly recognizes the right of countries richly endowed in natural resources to maintain in a state of economic slavery those countries which are deficient in natural resources.

[Mr. Carlier (Belgium), second vice president of the conference, assumes the chair.]

The PRESIDENT. Mr. Lazard.

Mr. LAZARD (France). As chairman of the commission on unemployment, I ought to insist upon your adoption of the draft convention which the commission has laid before you and which received a large majority of the votes in the commission itself. However, I must take the facts into account. We have at present a motion under which the conference would make no decision and would refer the whole to the International Labor Office for study, and we have a compromise motion brought in by Mr. di Palma Castiglione and seconded by Mr. Baldesi with the understanding that it was a compromise. For my own part, I say that I should be very glad if there could be unanimity on this compromise motion.

The PRESIDENT. Mr. Rowell.

Mr. ROWELL (Canada). Mr. President, the question raised by this draft convention is one of particular interest and great importance to all the nations on this continent, both north and south. We are all nations receiving immigration, and the question of emigration is of very great national moment. This question was one of the most difficult which the International Labor Commission at the peace conference had to consider, and they did finally embody in the nine articles which, I think, constitute the Magna Charta of labor, a declaration of policy in reference to this matter; but no proposal was put on the agenda for this conference dealing with this particular question, and I submit that the point raised by the Swiss delegation, that this should not be dealt with by an international convention at

this conference, is absolutely sound, and the amendment moved by the delegation from Switzerland should be accepted by the conference.

I want to add one further word. I fear some of the delegates to the conference think that this is an international parliament with unlimited jurisdiction over all matters of international concern which we may desire to bring within the purview of our own jurisdiction. I say, with great respect, this conference has no more jurisdiction over the question of the distribution of raw materials, which the delegate from Italy referred to, than it has over the question of discovering a way of navigating from the earth to the moon. It might just as well be clearly understood that the nations which have raw materials will deal with them as they believe fair and in the national interest, but they will deal with them by their own parliaments, their own legislatures, and they will not accept international regulations with reference to the control of their own property.

Let me go one step further. With reference to immigration, I think I speak the sentiment of the nations on this continent, north and south, when I say they will control the character of their own population; they will do it fairly and honorably, but they will not accept any international determination as to who should compose their own population or be entitled to the right of citizenship or the rights that citizens should enjoy within their own territory. If the gentlemen of this conference wish to put in the mouths of the opponents of the League of Nations arguments to prevent its acceptance by the nations in this conference they are going the right way about it. Let us recognize that this organization was created for some great purposes and pursue them without seeking to bring within our purview matters that are quite outside the scope of the conference and which will militate against its success in the future.

I support the Swiss proposal because this was not on the agenda, and I submit with great respect that we have no right to propose an international convention. We have no right to call upon the nations to submit it to the parliaments concerned. We can not depart from the principle of the peace treaty by introducing in another way a matter and making it a subject of an international convention. Certainly the proposed convention is too vague and uncertain in its terms for an international convention. If it should become an international convention, accepted and ratified by the nations concerned, it would become a law of the land and be binding on all citizens. It would involve under this treaty certain obligations to other nations which might be investigated by a commission appointed under the terms of the treaty.

It might involve an economic boycott. We should not make a law a matter as vague and uncertain as this, which might involve all the consequences I have mentioned under the labor clauses and the League of Nations. It is out of order because it was not on the agenda, and it is too vague for an international convention. We do the right thing by supporting the Swiss delegation resolution.

Mr. JOUHAUX (France). I ask to be recognized.

Mr. SCHINDLER (Switzerland). I propose the closure of debate.

Mgr. NOLENS (Netherlands). I ask to be recognized.

[Right Hon. G. N. Barnes resumes the chair.]

The PRESIDENT. The closure is proposed, gentlemen. May I take a vote on that? Only one speech against is allowed.

Mr. BALDESI (Italy—remarks in Italian). The question now before the conference is too grave to allow of the closure being asked for at this point. Mr. Jouhaux asked for the floor just at the same time that the closure was proposed, and I consider that this question is of such vital importance to a large number of the workers of the world that discussion of it should not be stifled at this stage.

The PRESIDENT. The vote is on the closure for and against. All those in favor of the closure will please signify in the usual way.

[Votes counted.]

All those against the closure will please signify in the usual way.



[Votes counted.]

The votes are 44 against, 22 in favor. Therefore the discussion must proceed. I will call on Mr. Anastasi.

Dr. ANASTASI (Argentina—remarks in Spanish). It is well that the opinion of the South American countries should be heard on this question, and it is their intention to vote against the motion proposed by the Swiss delegate.

I wish to call attention to the fact that the Spanish American Countries, Brazil, Argentina, Chile, Cuba, Peru, Colombia, and others, make absolutely no distinction in the application of their labor laws between nationals and aliens. On the contrary, this principle has been introduced into European legislation, but is not in existence in the countries which I have referred to.

I am not openly against the draft convention before the conference, but will accept the compromise offered by the Italian delegate, the reason being that a number of countries which have not adhered to the League of Nations will find that the provisions of this convention are an interference in their internal affairs.

The question before the conference now is different in principle from that which was involved in Mr. Baldesi's motion this morning. I wish it clearly understood that the Latin American countries open their arms to the immigrants from all parts of the world, and desire to favor them in every way. I am in agreement with the principle of reciprocity, inasmuch as it has already been incorporated into the treaty of peace and is in agreement consequently with the view of the workers.

The PRESIDENT. Monsiignor Nolens.

Mgr. NOLENS (Netherlands). I desire to raise a word of protest. If I have rightly understood Mr. Baldesi, he said that he had to modify his opinion and that he is now convinced that not all questions are considered purely from the standpoint of national egotism. Mr. President, for my part I must protest against that. I do not wish to get into a discussion, but I should like to say to Mr. Baldesi that when one takes part in a conference one must know how to be a loser.

As for the convention, Mr. President, I desire to state why I can not concur in it. I wonder if that really is the formula of a convention? Could a State accede, as we must expect, to a general plan like that? Next, Mr. President, it is a draft convention which does not touch merely a few questions, a part of the legislation on workers, but all legislation affecting workers. It seems to me, Mr. President, that we are on the point of taking in too much and of running the risk of not being able to do everything at one time. If all that succeeds, there will be no more unemployment; none of the unemployed will be left without assistance. We forget, gentlemen, it seems to me, speaking with due modesty, that this is the first of a series of conferences. We must give the Governments time to work all this out, and give the legislators time to digest all that the Government prepares for them. Otherwise, one conference every five years will be enough; we shall have in one year enough material for the legislators for four or five years.

Mr. President, I think that all those who took part in the conferences of the International Association For Labor Legislation, an association which was to a certain extent, we may recall, the cause and the model of this conference—I hope it will furnish the model for the way in which the work of this conference will be done; I mean, not to bring everything up at once, but to proceed by degrees—all those who took part in that conference remember the difficulties which came up quite often and which appeared in the reports of that association. Mr. President, it is for this reason that I say, after acquainting myself with the text of this draft convention, that I can not give my vote for it. Why? Because it is my deep conviction that it would lead to nothing. If one desires to present a draft convention to any Government whatsoever care must be taken that it is well drawn up in all its details by the one who has it to do. I think that that can not be said of this draft convention. Now, Mr. President, there are two motions; a proposal, I believe, and an amendment.

This question is not of such great importance for my country, which does not receive much immigration, as for other countries, which receive a great deal. I may say that for my part I might apply its principle immediately. As to the principle, I am agreed. But for the time being the point is to find out whether we can go as far as Mr. di Palma Castiglione proposes. I do not wish to go into a criticism of this plan, but I believe that it is better to leave this draft to be discussed more thoroughly. Let it be discussed, but discussed consecutively; first the most necessary items, then the rest. But, I repeat once more, I believe that there are nations which have more interest in it than ours and which will perhaps pronounce upon the Swiss proposal and upon the proposal of the Italian delegate.

The PRESIDENT. Now, gentlemen, it is 6 o'clock. If you are disposed to vote now, we might take a vote; but if discussion is to be continued, we will have to resume to-morrow morning at 10.

Mr. DRAPER (Canada). I move the closure of the debate.

The PRESIDENT. Do you wish to take a vote? Mr. Draper moves the closure.

Dr. RUFENACHT (Switzerland). I called for the floor before closure was proposed.

The PRESIDENT. Do you want to speak against the closure?

Dr. RUFENACHT (Switzerland). I ask leave to speak upon the closure.

The PRESIDENT. Well, I haven't got his name, and even if I had it would make no difference. I am compelled to take a closure motion when it is put. I can take one speech against it, and no other.

Mr. JOUHAUX (France). But I was on the list, it seems to me; I am sure, I was on the list.

The PRESIDENT. Mr. Jouhaux is the first speaker, and of course I shall call upon him in the event of any discussion.

Mr. JOUHAUX (France). If the discussion doesn't continue, I haven't the floor.

The PRESIDENT. Shall we take a vote on the closure?

All in favor of the closure please signify.

[Dr. Rufenacht (Switzerland) rises.]

The PRESIDENT. You want to speak against the closure?

Dr. RUFENACHT (Switzerland). Yes.

The PRESIDENT. Dr. Rufenacht is recognized.

Dr. RUFENACHT (Switzerland). Mr. President and gentlemen, I am under the impression that several speakers have interpreted my proposition in the sense that I am positively and definitely opposed to general reciprocity between the States. Such is not the case. The only thing that I asked was to give the Governments time to examine—

The PRESIDENT. The matter before the meeting is the closure, nothing else. If the gentleman has anything to say why at this moment the closure should not be put, I am prepared to hear him, but I can not hear anything on the merits of the resolution or the amendments thereto.

Dr. RUFENACHT (Switzerland). I yield the floor.

The PRESIDENT. Now we will have a vote on the closure. All in favor of the closure please signify by raising your hands. [Hands raised.] All those against the closure raise their right hands. [Hands raised.]

Mr. JOUHAUX (France). If the regular procedure had been followed, you would have recognized me before this. I am not asking to be recognized just for the fun of hearing myself talk.

The PRESIDENT. Fifty-one have voted in favor of the closure and 21 against. Therefore I have to declare the discussion closed.

Now, I want to take a vote on the Swiss amendment, which is as follows:

That the discussion on the draft convention as to the reciprocal treatment of foreign workers be adjourned; that the proposal be referred to the governing body to be examined afresh and resubmitted if necessary to a later conference

I want to take a vote on that, Mr. Baldesi.



The Swiss amendment is before the meeting.

Mr. BALDESI (Italy). Mr. Chairman.

The PRESIDENT. Is it a point of order, Mr. Baldesi? I will hear a point of order, but nothing else.

Mr. BALDESI (Italy)—remarks in Italian). I ask for a record vote, and submit a paper with the requisite signatures to the Secretary.

(Mr. Jules Carlier, of Belgium, resumes the chair.)

The PRESIDENT. We shall vote on the proposition of the Swiss delegation which will be read to you.

The CLERK. It has already been read.

The PRESIDENT. It has already been read once, but read it again, anyway, that there may be no misunderstanding about the vote.

The SECRETARY GENERAL, interpreting the vice president's remarks. Those who are in favor of Dr. Rufenacht's motion say "Yes," and those who are not in favor say "No."

[Mr. Lazard (France) rises].

The INTERPRETER. You are requested to answer yes or no.

Mr. LAZARD (France). By yes in favor of the motion.

The INTERPRETER. By yes in favor of the motion.

Mr. LAZARD (France). And by no—

The INTERPRETER. And by no against the Rufenacht motion.

[The result of the roll call was as follows:]

#### Yes—26.

##### Belgium:

Mr. Michel Lévie.  
Mr. Ernest Mahaim.

##### Canada:

Hon. Newton W. Rowell.  
Mr. S. R. Parsons.

##### Denmark:

Mr. H. Vestesen.

##### Finland:

Mr. Robert Lavonius.

##### France:

Mr. Louis Guérin.

##### Great Britain:

Right Hon. G. N. Barnes.  
Sir Malcolm Delevingne.  
Mr. D. S. Majoribanks.  
Mr. G. H. Stuart-Bunning.

##### Greece:

Mr. John Sofianopoulos.  
Mr. Angelus Skinzopoulos.  
Mr. Eugene Cantacuzène.

##### Japan:

Mr. Eikichi Kamada.  
Dr. Minoru Oka.  
Mr. Sanji Muto.

##### Netherlands:

Mgr. W. H. Nolens.  
Mr. G. J. van Thienen.  
Mr. J. A. E. Verkade.

##### Roumania:

Mr. C. Orghidan.  
Mr. Gregoire Michalesco.

##### Siam:

Phya Chanindr Bhakdi.

##### Switzerland:

Dr. Hans Sulzer.  
Dr. Hermann Rufenacht.  
Mr. Dietrich Schindler.

#### No—47.

##### Argentina:

Dr. Felipe Espil.  
Mr. Americo Balino.

##### Belgium:

Mr. Jules Carlier.  
Mr. Corneille Mertens.

##### Brazil:

Mr. Afranio de Mello Franco.  
Mr. Carlos Caesar de Oliveira Sampaio.

##### Canada:

Mr. P. M. Draper.

##### Cuba:

Mr. Carlos Armenteros y Cardeuas.  
Mr. Francisco Carrera Justiz.

##### Denmark:

Mr. S. Neumann.  
Mr. C. V. Bramsnaes.  
Mr. C. F. Madsen.

##### Finland:

Mr. Matti Paasivuori.

##### France:

Mr. Max Lazard.  
Mr. Léon Jouhaux.

##### Greece:

Mr. Timoleon Lamprinopoulos.

##### India:

Mr. Narayan Malhar Joshi.

##### Italy:

Baron Mayor des Planches.  
Dr. G. di Palma Castiglione.  
Comm. E. Baroni.  
Mr. Gino Baldesi.

##### Japan:

Mr. Uhei Masumoto

##### Netherlands:

Mr. J. Oudegeest.

##### Nicaragua:

Señor Don Ramon Enriquez.

##### Norway:

Judge Johan Castberg.  
Judge I. M. Lund.  
Mr. G. Paus.  
Mr. J. Teigen.

##### Peru:

Mr. Carlos Prevost.  
Mr. Eduardo Higginson.

##### Poland:

Mr. Franciszek Sokal.  
Mr. Jozef Rymer.  
Mr. Edmund Bernatowicz.

##### Portugal:

Mr. José Barbosa.  
Mr. Alvaro de Lacerda.

##### Siam:

Phya Prabha Karavongse.

##### Serbs, Croats, and Slovenes:

Dr. Slavko Y. Grouitch.  
Mr. Marko Bauer.  
Mr. Sveta Frantz.

##### Spain:

Viscount de Eza.  
Mr. Adolfo Gonzalez Posada.  
Mr. Alfonso Sala.  
Mr. Francisco Largo Caballero.

##### Sweden:

Judge A. Erik M. Sjöborg.  
Mr. A. Herman Lindqvist.

##### Switzerland:

Mr. Conrad Ilg.

##### Uruguay:

Dr. Jacobo Varela.

Mr. GONDRA (Paraguay). The delegates from Paraguay have abstained from voting.

The SECRETARY GENERAL. The figures are 47 against the motion, 26 in favor. The motion is therefore lost.

The PRESIDENT. We must now, gentlemen, take action on the amendment of Mr. di Palma Castiglione. This amendment consists of two sentences.

The Washington conference recommends to the states members of the International Organization of Labor to admit reciprocally, by means of special agreements, to the benefits of the labor laws and regulations as well as to the right of lawful organization the workers belonging to one of the states and employed in another, together with their families. The Washington conference decides that the transformation of this recommendation into a convention shall be examined by the next conference in 1920.

A division of the amendment is requested, gentlemen, between the first and the second sentence. Consequently, we shall first discuss the first sentence.

Mr. VARELA (Uruguay). Question!

Mr. di PALMA CASTIGLIONE (Italy). I ask to be recognized.

The PRESIDENT. There does not anyone ask to be recognized, does there?

Mr. di PALMA CASTIGLIONE (Italy). No.

The PRESIDENT. Then I shall call for a vote on the first sentence, the first part of the amendment.

SEVERAL DELEGATES. Question!

The PRESIDENT. Those in favor of adopting it, please raise their hands.

(Votes counted.)

Those opposed, please raise their hands.

There is no quorum. Gentlemen, is there nobody in the corridor who is willing to vote?

A DELEGATE. No; they are not voting.

The PRESIDENT. Gentlemen, the vote has not indicated a quorum, but there are certainly enough members in the hall to make up a quorum. I shall, therefore, proceed to take a second vote, so that, if they will, those persons here present may vote either for or against and thus permit us to have a quorum. Otherwise, we shall have wasted our afternoon.

The PRESIDENT. Sir Malcolm Delevingne.

Sir MALCOLM DELEVINGNE (Great Britain). I wish to move the adjournment of the sitting. A large number of the delegates have left the room, and any vote that is taken to-day will not be a real expression of the wishes of the conference. It is now a quarter past 6, 15 minutes beyond our time of closing. I move that this conference do adjourn.

The PRESIDENT. A motion for adjournment takes precedence over all others; therefore, we must first put Sir Malcolm Delevingne's motion to a vote.

Mr. JOUHAUX (France). I am not opposed to the motion to adjourn, but I notice that when certain delegates consider that a question has been sufficiently discussed a motion of closure is heard. When they decide not to continue the discussion and not to reach any solution, they leave the room and thus make it impossible for the conference to vote.

Mr. DRAPER (Canada). I am opposed to the adjournment at this time. We have taken a vote. There were 54 votes. There are a number of delegates who abstained from voting. We should complete that vote and let the delegates either vote for or against it, and then we can adjourn.



The PRESIDENT. The motion to adjourn has precedence over all others, according to the standing orders. We are going to vote, and we shall see that we conform to the standing orders. Those in favor of adjournment, please raise the hand.

[Votes counted.]

Those opposed, please raise the hand.

[Votes counted.]

Adjournment is rejected by 50 votes against 9. Hence we shall resume the voting on which I requested a recount just now, namely, on the first part of the amendment of Mr. di Palma Castiglione. Those in favor of adopting it, please raise their right hands.

[Votes counted.]

Now it is the turn of those who are opposed.

[Votes counted.]

We have a quorum. The first part of the amendment is carried by 60 votes. The second part is now to be voted upon. It is as follows:

The conference decides that the transformation of this recommendation into a convention shall be examined by the next conference in 1920.

Sir Malcolm Delevingne is recognized.

Sir MALCOLM DELEVINGNE (Great Britain). Mr. President, may I point out to the conference that the first part of Mr. di Palma's motion stands on the same footing as the recommendation in the second resolution of the unemployment commission in regard to the agenda of the next conference? May I suggest, if it is not out of order, that this part of Mr. di Palma's motion should be deferred for consideration with the other subjects in the same way as the second resolution has been already deferred this afternoon by vote of the conference? May I point out that if a vote is taken now it is a final vote? It has to be a record vote, and has to be carried by a majority of two-thirds. I think it will be more convenient to everybody, the partisans and the opponents of the motion, that we should defer the vote until we consider all the subjects that have been suggested for inclusion in the agenda for next year's conference.

Mr. di PALMA CASTIGLIONE (Italy). May I ask one question of Sir Malcolm Delevingne? Will this question be put before the conference before we leave Washington?

Sir MALCOLM DELEVINGNE (Great Britain). Yes.

Mr. DRAPER (Canada). I submit, Mr. Chairman, that we have already decided to take a vote on this proposition and that we split the proposition in order to vote upon it, not to speak upon it. We have carried the closure on this matter and I think we should take the vote now.

The PRESIDENT. Mr. Castiglione.

Mr. di PALMA CASTIGLIONE (Italy). We ask what the discussion is about. Are you discussing the motion made by Sir Malcolm Delevingne or the one made by Mr. Draper?

The PRESIDENT. We are discussing the motion of Sir Malcolm Delevingne.

Mr. di PALMA CASTIGLIONE. For my part, I am not opposed to accepting the suggestion made by Sir Malcolm Delevingne, but it is understood that this proposal shall be referred to the committee of selection of the governing body, in order that they may decide before leaving Washington what is to be done for the next conference.

The PRESIDENT. I suppose that the proposal of Sir Malcolm Delevingne has precisely the sense that Mr. di Palma Castiglione gives it.

Sir MALCOLM DELEVINGNE (Great Britain). Yes.

The PRESIDENT. That is to say, that you give it exactly the sense of what was done two hours ago for the other motion?

Sir MALCOLM DELEVINGNE (Great Britain). Yes.

The PRESIDENT. On those conditions we are agreed.

Sir MALCOLM DELEVINGNE (Great Britain). Yes.

The PRESIDENT. It remains for us to appoint the time for to-morrow's session, which will be 10 o'clock.

[At 6.25 the meeting was adjourned until Thursday, November 27, 1919, at 10 o'clock in the morning.]

The following delegates were present:

|   |   |
|---|---|
| Argentina:  | Japan:  |
| Dr. Leonidas Anastasi.  | Mr. Sanji Muto.   |
| Mr. Felipe Espil.   | Mr. Uhei Masumoto.  |
| Mr. Hermenegildo Pini.  | Mr. Eikichi Kamada.   |
| Mr. Americo Balino.   | Dr. Minoru Oka.   |
| Belgium:  | Netherlands:  |
| Mr. A. Julin (substitute for Mr. Michel Lévie).                   | Mgr. W. H. Nolens.  |
| Mr. Ernest Mahaim.  | Mr. G. J. van Thienen.  |
| Mr. Jules Carlier.  | Mr. J. A. E. Verkade.   |
| Mr. Corneille Mertens.  | Mr. J. Oudegeest.   |
| Brazil:   | Nicaragua:  |
| Dr. Fausto Ferraz.  | Señor Don Ramon Enriquez.                                       |
| Mr. Afranio de Mello Franco.                                      | Norway:   |
| Mr. Carlos Caesar de Oliveira Sampaio.                            | Judge Johan Castberg.   |
| Canada:   | Judge I. M. Lund.   |
| Hon. Gideon D. Robertson.   | Mr. G. Paus.  |
| Hon. Newton W. Rowell.  | Mr. J. Teigen (substitute for Mr. Ole Lian).                    |
| Mr. E. Blake Robertson (substitute for Mr. S. R. Parsons).        | Panama:   |
| Mr. P. M. Draper.   | Mr. Andres Mojica.  |
| Chile:  | Mr. Jorge Luis Paredes.   |
| Mr. Gustavo Munizaga Varela.                                      | Mr. Federico Calvo.   |
| Mr. Felix Nieto del Rio.  | Mr. Jose A. Zubieta.  |
| China:  | Paraguay:   |
| Mr. Yung Kwai.  | Mr. Arturo Campos.  |
| Mr. Lingoh Wang.  | Dr. Manuel Gondra.  |
| Czecho-Slovakia:  | Persia:   |
| Mr. M. S. Sousek.   | Mirza Abdul Ali Khan.   |
| Mr. Charles Spinka.   | Mirza Ali Asghar Khan.  |
| Mr. R. Tayerle.   | Peru:   |
| Cuba:   | Mr. Carlos Prevost.   |
| Mr. Carlos Armenteros y Cardenas.                                 | Mr. Eduardo Higginson.  |
| Mr. Francisco Carrera Justiz.                                     | Mr. Vicente Gonzalez.   |
| Denmark:  | Mr. Victor A. Pujazon.  |
| Mr. S. Neumann.   | Poland:   |
| Mr. C. V. Bramsnaes.  | Mr. Franciszek Sokal.   |
| Mr. C. F. Madsen.   | Mr. Jozef Rymer.  |
| Mr. H. C. Oersted (substitute for Mr. H. Vestesen).               | Mr. Jan Zagleniczny.  |
| Ecuador:  | Mr. Edmund Bernatowicz.   |
| Dr. Don Rafael H. Elizalde.                                       | Portugal:   |
| Dr. Don Juan Cueva Garcia.  | Mr. Alvaro de Lacerda.  |
| Finland:  | Mr. José Barbosa.   |
| Mr. Robert Lavonius.  | Mr. Alfredo Franco.   |
| Judge Niilo A. Mannio.  | Roumania:   |
| Mr. Matti Paasivuori.   | Mr. C. Orghidan.  |
| France:   | Mr. Gregoire Michalesco.  |
| Mr. Arthur Fontaine.  | Siam:   |
| Mr. Max Lazard.   | Phya Prabha Karavongse.   |
| Mr. Louis Guérin.   | Phya Chanindr Bhakdi.   |
| Mr. Léon Jouhaux.   | Serbs, Croats, and Slovenes:                                    |
| Great Britain:  | Dr. Velimir Stoykovich (substitute for Dr. Slavko Y. Grouitch). |
| Mr. J. F. G. Price (substitute for Right Hon. G. N. Barnes).      | Mr. Marko Bauer.  |
| Sir Malcolm Delevingne.   | Mr. Sveta Frantz.   |
| Mr. A. J. C. Ross (substitute for Mr. D. S. Marjoribanks).        | South Africa:   |
| Mr. G. H. Stuart-Bunning.   | Mr. H. Warrington Smyth.  |
| Greece:   | Mr. William Gemmill.  |
| Mr. John Sofianopoulos.   | Mr. Archibald Crawford.   |
| Mr. Angelus Skinzopoulos.   | Spain:  |
| Mr. Eugene Cantacuzène.   | Viscount de Eza.  |
| Mr. Timoleon Lamprinopoulos.                                      | Mr. Adolfo Gonzalez Posada.                                     |
| Guatemala:  | Mr. Alfonso Sala.   |
| Mr. Francisco Sanchez Latour.                                     | Mr. Francisco Largo Caballero.                                  |
| Dr. Ramon Bengoechea.   | Sweden:   |
| Mr. Alfredo Palomo Rodriguez.                                     | Dr. E. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg).   |
| Mr. Manuel Moreno.  | Senator R. G. Halfred von Koch.                                 |
| India:  | Senator Hjalmar von Sydow.                                      |
| Mr. Louis James Kershaw.  | Mr. A. Herman Lindqvist.  |
| Mr. Atul Chandra Chatterjee.                                      | Switzerland:  |
| Mr. Narayan Malhar Joshi.   | Dr. Hans Sulzer.  |
| Italy:  | Dr. Hermann Rufenacht.  |
| Baron Mayor des Planches.   | Mr. Dietrich Schindler.   |
| Dr. G. di Palma Castiglione (substitute for Mr. Angiolo Cabrini). | Mr. Conrad Ilg.   |
| Comm. E. Barenì.  | Uruguay:  |
| Mr. Gino Baldesi.   | Dr. Jacobo Varela.  |
|   | Venezuela:  |
|   | Dr. Don Santos A. Domínguez.                                    |
|   | Mr. César Zumeta.   |



## TWENTY-SECOND SESSION—THURSDAY, NOVEMBER 27, 1919.

The conference convened at 10.15 o'clock a. m., Mr. Jules Carlier (Belgium), vice president of the conference, presiding.

The PRESIDENT. The Secretary General is recognized in order to read some communications.

The SECRETARY GENERAL. I have been asked to make the following announcements:

In the name of the factory inspectors of the different countries who have met at this conference as delegates and technical advisers, we wish to inform the conference that a meeting of factory inspectors took place on the 25th of November, at which it was decided to meet each year at the same time as the International Labor Conference, in order to follow up the work of organizing and administering factory inspection, with a view to attaining the necessary degree of uniformity which would enable comparable results to be obtained. A provisional committee has been elected, including Mr. Bellhouse of Great Britain, Mr. Sokal of Poland, Miss Hesselgren of Sweden, Dr. Wegman of Switzerland, and Mr. Boulin of France. The factory inspectors who have not yet given their addresses are requested to furnish them to Dr. Wegman.

Mr. CRAWFORD (South Africa). Mr. Chairman, a point of order. I want to refer you to article 13 of the standing orders referring to notice of motions, in which it says that on receipt of the text of resolutions the secretariat shall circulate them on the day following that on which it is received. I gave a notice of motion three days ago and it has not yet been circulated. I wish to draw the attention of the secretary to that.

The SECRETARY GENERAL. Mr. Crawford's motion has been translated, but owing to the fact that to-day is a holiday the printing was cut short, or else it would have been printed. It will be stenciled and distributed to-day.

The PRESIDENT. The agenda for the day calls for the discussion of the report of the committee on the application of the 48-hour week to countries where special conditions exist. Mr. Barnes is recognized.

Mr. BARNES (Great Britain). Mr. Chairman and fellow delegates, it falls to my lot now to present the report of the special commission, in which you instructed an examination of the question of the application of article 405 to countries claiming special consideration. The question naturally falls into two parts, and I want, if you will allow me, Mr. Chairman, to suggest to the conference that we should confine ourselves now to the first part—that is to say, are the countries who claim special consideration entitled to that consideration, leaving the question as to what modifications are necessary for the second discussion.

I will tell you the reason for that. The Japanese delegates have put in a minority report in which they say that Japan is not entitled to any special consideration, and that the eight-hour day as applied to other countries should be applied to Japan along with those other countries. Well, now, I think we ought to settle that issue first, and then after that issue is settled it is cleared out of the way and we can discuss the actual proposals that the committee have made for modification. I put the question to the committee in each case after hearing the evidence, was the country entitled to special consideration, and the answer in every case was in the affirmative, unanimously so in all countries except three. There were three on the commission who were of opinion that Japan should not have any special consideration. Four of the committee were of the same mind in regard to Greece, and one in regard to Roumania, but in all the other countries there was a unanimous opinion that a case had been made out for special consideration. And I want the conference to indorse the finding of the committee that in all the cases submitted to us there was some reason for special consideration. I might qualify that somewhat by the statement that with regard to South Africa and tropical America, all they want in the way of special consideration is that in the case of South Africa they should have the right to bring up to the conference next year some considerations which may then weigh with them in regard to a postponement in regard to special classes of labor.

And in regard to South America the question of the treatment of sugar in the elementary stages came up, and we had to decide that that was a matter entirely for the competent authority of Cuba to decide, as to whether that was agriculture or industry.

Well, now, just let me state very briefly, Mr. Chairman, the reasons given to us why these countries should have special consideration given to them. In Japan the factory act limits the working day to 13 hours per day, and in one industry which is the largest industry in the country, 120 hours overtime is allowed in addition to that 13-hour day. Moreover, there is no weekly holiday or Sunday holiday, and that 13 hours is actually worked in the silk industry every day except 2 each month, that is, on the 1st and 15th of the month there are holidays, but apart from that the 13 hours per day is actually worked all the time. The cotton industry works 11 hours a day. In other industries the working day nominally is about 10, but actually is about 12, because of the fact that overtime is quite common and continuous, and therefore we have this condition of things in Japan, that in the silk industry which employs 900,000 work people, the hours are 13 per day, plus one hour overtime 120 days in the year. In the cotton industry, the hours are 11. In other industries, including overtime, they are about 12 per day.

Therefore, Mr. Chairman, it is quite clear to me, and I hope that it will be quite clear to this conference, that Japan is entitled to some modifications in the treaty in regard to an eight-hour day. That is to say, if you were to bring down Japan to the same level as other countries you would be asking Japan to reduce her production by about 60 per cent, and you would be asking other countries to reduce theirs probably by about 10 per cent. Therefore, I am not now concerned with the particular modification. I am only asking the conference to agree that modifications are justified, in view of the circumstances that I have just mentioned.

In regard to India I think the case is no less clear. In India the working day is about 12 hours; that is, the factory limit is 12 hours per day. It is true to say that in India the hours are much below 12 in many industries, but, here again, India is a vast country, with 310,000,000 of population. They have had very little time in which to get accurate information to justify them in binding themselves as to the application of an 8-hour day in the immediate future, and therefore, with regard to India the case is no less justified that some modifications are justified.

In China, the case is, I think, more clear still. China has never had a factory act, and the country is in somewhat of a chaotic condition, I mean governmentally. The Chinese representative met us very fairly and explained that, so far as he was aware, the Chinese Government had very little information in regard to industrial conditions in China, but in view of the fact that there is very little information, and, as a matter of fact, very few factories, except a few in the vicinity of the large towns, the case for special consideration for China was, we thought, made out.

In Persia there are no factories. In Siam there are a few factories in the neighborhood of Bangkok, some treating cane sugar and some wood works, or something of that kind, but there is very little industry. Therefore, there is no case for the application of an eight-hour day to Siam, having regard to their inexperience and the smallness of the industry there.

In regard to Roumania, and to the Greek position, we had evidence that they had been much devastated during the war, that the Greeks had had added to them a large amount of territory, that Roumanian industries had been almost spoiled during the war, and that therefore some special consideration was due to them in their case.

I think I have said sufficient, Mr. Chairman, to justify my statement of special considerations necessary, and I now move this resolution:

That modifications of the main convention respecting the application of the principle of the eight-hours day and forty-eight-hours week to the countries named in the report of the special commission are justified.



In addition to that I understand the Japanese workmen are to offer a motion stating that, in their opinion, Japan is not entitled to special consideration.

As I said before in opening, Mr. Chairman, when we get rid of that particular issue we can then discuss the modifications that the commission actually propose. I propose the resolution.

The PRESIDENT. The debate is now upon the motion which has just been read. Mr. Masumoto is recognized.

Mr. MASUMOTO (Japan). Mr. Chairman, I regret that I can not refrain from protesting in the name of the Japanese workers against the special treatment of Japan, on the principle that I am going to state; and I desire to move that the special treatment of Japan in regard to the 8-hour day and 48-hour week shall be refused, and equal treatment with other countries on the 8-hour principle be applied to Japan.

Mr. Chairman, ladies, and gentlemen: You can see here this little flag and imagine the Island Empire of Japan. Can you believe it when I say that, behind this flag, there are several millions of toilers unjustly treated under the autocracy which is an enemy of social justice? The principal aim we have here, in this meeting, is to protect that social justice, which is the spirit of this labor conference. The report that was presented to this conference from the special commission is based on the idea of special treatment for Japan, because of the special condition of Japan's industrial life.

We, the Japanese workers, are firmly opposed to this special treatment, because such special treatment is not needed on account of the condition of the general industrial life of our country, but rather for the protection of autocracy. As everybody knows, Japan, so far, has been accorded equal treatment, as well as equal opportunity with other European countries in nearly everything. However, we now find ourselves given special treatment and a different kind of opportunity. They say it is good for Japan's production, but we say it is good for autocratic oppression.

Special treatment for Japan is nothing but the helping hand of oppression for helpless toilers, who are seeking the light of social justice and freedom, from the spirit of differential treatment. To save them from this injustice must be the duty of such body as the International Labor Conference, whose spirit, I believe, is derived from the idea of social justice.

Ladies and gentlemen, can you imagine that under this little flag there is a police regulation whose aim is to interfere with the organization of labor. Japanese autocrats try to explain this regulation as a means of keeping the public peace, and not as a means of interfering with labor organization; but such an explanation makes of the law a kind of "sheathed sword." For, after all, this same law of which I speak is like a sword too easily put into action when occasion arises.

The hand of the Japanese autocrats is most uncertain. Into this dangerous hand the weapon of special treatment of her industry is going to be placed. The helpless industrial workers in Japan are mostly female, the number being estimated at 700,000. Most of them are employed in the textile industries. You would not believe that their life in the factories is almost that of slavery. It is no exaggeration to say that these factories, from the social standpoint, are an exact parallel to the political extraterritoriality in Japan in former days. Those factories are beyond the reach of justice.

You know, ladies and gentlemen, the one way that such a dreadful condition as this can be cleared away is to turn on the light, taking away special treatment provisions from the autocrats' hands. Such a light as this is the spirit of this conference, whose aim is social justice and true democracy. I trust in your sound judgment about this question and leave it in your hands.

Mr. Chairman and fellow delegates, I beg in closing to inform you that my statement on behalf of the Japanese workers is now in the hands of the Chair. I desire to have that statement put upon record with the consent of this conference.

The PRESIDENT. Mr. Kamada, of Japan, is recognized.

Mr. KAMADA (Japan). Mr. President, ladies and gentlemen, labor problems in Europe and America have a long history, dating back to the Industrial Revolution. During the last hundred years the wonderful development of industry in the western countries has given rise to many serious disputes between capital and labor which have threatened to shake society to its very foundation. Therefore, in these countries where industry has attained its highest development, every effort has been made to solve labor problems from the standpoints of both theory and practice. The result is that in those great industrial countries labor legislation has been well-nigh perfected. Moreover, as organizations by means of which both workers and employers seek to protect their own interests develop, the position occupied by labor in industry is gradually approaching in importance the position occupied by capital.

Speaking more specifically, the problem of the hours of work, which came into prominence after that of wages, has been the focus of labor disputes for at least three-quarters of a century. But it should be pointed out that whenever a dispute occurred its settlement registered an advance toward the solution of the entire problem. Meanwhile, employers in different countries, moved by social and economic considerations, gradually came to recognize the necessity of shortening the hours of work until the adoption of the 10-hour workday began in Europe and America. Since that time many years have elapsed, and during the latter part of this period the very foundations of civilized society have been gravely menaced by the greatest war in history. Nevertheless, the movement for improving the conditions of labor has not thereby suffered in the slightest; and when the Paris peace treaty was drafted, the labor clauses were given a very important position, a fact to which I need not draw your attention.

But the conditions in Japan are different. It is only 20 or 30 years since the factory system of Europe and America was first introduced into the country, and as yet there are few industries which can compare with the corresponding industries in Europe and America, either in their organization or in their importance. The result is that the relation between workers and employers does not yet offer many perplexing problems. Indeed, there have been strikes and other troubles in the past, but they concerned the question of wages. As a rule, they were easily settled or disposed of, and did not attract much attention on the part of the public, because there was no strong organization at the back of either the working people or the employers to force the issue to a critical point. It is no exaggeration to say that the Japanese people, with the exception of a few who are interested in the study of such matters, began to attach importance to labor problems only last spring when the discussion at the Paris Peace Conference gave prominence to these problems. In other words, while in Europe and America labor problems have a history extending back for more than 100 years, it is only half a year since they began to be treated in Japan as national and international problems, a fact of which we ought not to lose sight.

The reason why the Japanese people have thus become suddenly wide-awake to the importance of labor problems is that they now appreciate the fact that the permanent peace of the world can no longer be realized if the interests of working people are ignored. There are already unmistakable signs in the country which indicate that the people are determined to treat labor problems with seriousness and to cooperate with the Europeans and Americans in their efforts to improve the conditions of labor. Of course, an experience of a few years can not be expected to be as useful as an experience of a century and it is hardly necessary to say that Japan will not be able at once to affect such improvements to the same extent or degree as may the most advanced countries in Europe and America, no matter how sincere and eager she might be in her efforts. Japan has already evinced to you her great sincerity and eagerness by deciding, of her own accord, to fall in line with other countries in regulation of unhealthy processes in industries as well as in the prohibition of night work for women and children, in spite of the fact that the effects of these measures upon her industry will not be in-



considerable. Only in the hours of work do we ask for special treatment, in the sense already referred to by the Right Honorable Mr. Barnes, and here we wish to adopt a 9½-hour day instead of the 8-hour day. This may seem to some to put Japan in an unenviable position. But I should like to remind you of the fact that the enforcement of a 9½-hour day in Japan means the reduction of working hours by 2 hours as a rule, and in some industries by 3 or 4 hours per day, and that this will entail a far more abrupt change for Japanese industries than would the reduction of working hours from 10 to 8 per day for European countries after their experience of many years with the former standard. I hope, therefore, you may appreciate what a great sacrifice Japan is offering to make at the present conference in order to follow the general trend of the world.

You may recall that, during one of the earlier full sessions of this conference, Mr. Mertens, the workmen's delegate from Belgium, criticized the methods whereby the Japanese Government had selected the workmen's delegate of Japan and that he urged upon the Japanese Government to show a greater sincerity in the matter in the future. But, in my opinion, it is a feat commending itself to your applause that Japan, which has such a limited experience in dealing with labor problems, managed somehow to complete the selection of the three different delegations to this conference on very short notice and succeeded in sending them here over many thousands of miles of land and sea just in time for the opening session. As to the manner of selecting delegates, I might say that you can not expect any country to be able to solve the problem satisfactorily unless you allow it sufficient time for working it out. Again, in regard to trade-unions, I may call your attention to the fact that there is no law in Japan which prohibits their formation, and working people are at perfect liberty to organize them if they wish to do so. Yet the Government is not, of course, satisfied with this and is now making preparations to enact a law positively recognizing trade-unions so as to encourage their formation and development under its protection. This is also one of the evidences of Japan's aspirations to contribute toward the progress of mankind.

Ladies and gentlemen, I consider it a great honor and pleasure to have had this opportunity of explaining to you how sincere and earnest the Japanese people are in dealing with the problems before us, and of letting this fact become known through you among your own countrymen. I wish also to avail myself of this opportunity to state that the Japanese people hope to attain as great a success in social reforms during the next 20 or 30 years as they have had in the adoption of the industrial system of the West during the past few decades, so that they may be enabled to catch up with the most advanced nations, for they firmly believe that social reforms are indispensable in Japan, not only for the peace of the world but also for the development of her own people.

I regret to add that I have to deny the fact of everything that our labor delegate has stated.

As for the injustice and the oppression by the employers which he has cited, I deny them with responsibility. Those things, let me declare to you, can not happen in these days when we have 200 factory inspectors and effective systems of inspection.

I thank you for your attention.

The PRESIDENT. Gentlemen, Mr. Masumoto requested yesterday the insertion in the record of some observations that he thought best to submit to save the time of the conference. I take it there is no objection at all to inserting these?

[The matter submitted by Mr. Masumoto, of Japan, is as follows:]

#### A STATEMENT FROM THE JAPANESE WORKERS' DELEGATE.

I do not propose to say anything more about the reasons why Japan should not be classed with the special countries. But I do wish to be permitted to state some of the reasons why the Government of Japan and the Government's delegates have not acted in a perfectly sincere manner on behalf of Japanese labor.

At first the Government delegates contended for a 10-hour day, then they changed to a 9-hour day, and later they argued for a 9½-hour day. These changes of opinion have all been within a few days' time. This indicates that the Government delegates have no fixed policy nor strong conviction. Yet, they continue contending against the 8-hour day, and say that their opposition is based on a sound policy of the Government, which policy in turn is based, they say, on official investigation of labor and industrial conditions. But if the opposition of the Government delegates is thus based on a fixed policy founded on thorough investigation, why do they waver and change in their opinion?

There is another fact to which I desire to direct attention. Without regard to the deep desires of Japanese labor the Japanese Government uses article 17 of the police regulations as a weapon to prevent the organization of trade-unions.

For your information a translation of these articles is here inserted:

#### POLICE REGULATIONS—ARTICLE 17.

No violence shall be inflicted upon others, nor threat of violence made against others, nor the character of others defamed in public with the following enumerated objects in view, and no inducement nor instigation shall be offered to others with the objects in view expressed in clause 2:

1. To make others join or prevent others from joining associations formed for the purpose of cooperation in regard to conditions and rewards of labor.
2. To make employers discharge employees or refuse applications for employment, or to make employees neglect their duties or refuse applications for employment in order to effect a lockout or a strike.
3. To compel by force others to agree in regard to conditions of labor or rewards of labor, or to inflict violence upon others, or make threat of violence against others to compel them by force to agree in regard to conditions of rent of land for agricultural purposes.

All intelligent classes in Japan admit that this article 17 is now one of the worst laws of the country. Even our progressive capitalists feel that it should be abolished and that labor should be allowed freely to organize. It is only the mass of conservative capitalists and the Government that seem to desire to retain this objectionable law, for they think that thus they will be free from the menace of the labor movement.

Because labor in Japan is not organized into unions, when it came to the choice of a delegate to this conference, there was no proper way to choose him, and hence the difficulty and trouble that arose in this honorable body concerning my credentials.

Now, I thought it well to consult my Government in regard to the two points mentioned above, namely, article 17 of the police regulations and the organization of labor, and I did so through the medium of the two honorable delegates representing the Japanese Government.

The substance of the Government's reply is as follows:

1. With reference to the organization of labor, investigations concerning the formulation of laws adequate for and adopted to the protection of the interests of workers are under way.
2. Article 17 of the police regulations concerning the preservation of order has not been applied in the majority of cases to strikes and strikers, but to all classes without discrimination, so we see no reason why the law should be abolished.

If we examine this answer, it is difficult to find therein any genuine sincerity, because in the one instance the Government says only that "investigations are under way," and in the other instance it is simply said that the law has not been applied in the majority of cases to strikes and strikers, but to all classes without discrimination. However, this latter assertion is only superficially true.

According to the explanations of the Government, there were in Japan last year about 400 strikes, but article 17 of the police regulations was not applied to more than 20 of these strikes. But such a statement does not go to the root of the difficulty. The important and significant fact is not that the law was applied in only about 20 cases out of 400 strikes, but that because of the existence of this law and the popular interpretation of it, the people are intimidated and fear to organize into unions or to encourage strikers. Thus the influence of this law is very far-



reaching in its effects. By way of illustration, allow me to point to the strike which occurred in one of our munition plants last summer during August and September. The chief of the metropolitan police arbitrated the case and settled the difficulty, but after the case had been thus settled the chief of police arrested over 20 persons for participation in the strike. Public opinion was greatly aroused over this affair, but the reply of the Government was, "We have a law and the law must be enforced." Moreover, we must not lose sight of the fact that the difficulty arose between the Government on the one side and the workers on the other. Arbitration was between the Government and the workers. When the matter was settled, therefore, the Government should have been satisfied. Nevertheless, the arrests were ordered as indicated above.

Thus it would appear that the Government of Japan does not manifest toward labor that sympathy and sincerity which we have a right to expect.

Moreover, it seems to me that the delegates themselves from the side of the Government have not shown a proper interest and sympathy toward this whole problem of Japanese labor, for apparently there was unnecessary delay in transmitting the Government's answer in regard to article 17 of the police regulations and the formulation of new labor laws. Owing to the unsatisfactory character of the answer it is possible, of course, that they may have felt some delicacy in making known the contents.

At the time the Government's telegram was handed to me, and at the suggestion of the Government delegates, a personal conference was had in regard to the questions involved. In answer to my anxious inquiries with reference to possible reform in Japan permitting the proper organization of labor and the election of future delegates from Japan to the conference, the replies that were given were evasive and unsatisfactory. All of which has left upon me the impression that in Japan much progress must yet be made along the line of sincere sympathy and cooperation between the Government and capital on the one hand and labor on the other.

In view of the facts above presented for your consideration, I wanted to propose that the formal protest recorded in our minutes with reference to the manner of selecting the Japanese labor delegate be not allowed to stand simply as a declaration in our minutes, but that in addition this protest be forwarded to the Japanese Government itself; but I shall defer such action until the proper time.

From the foregoing statements you will get some idea of how the Japanese Government is treating Japanese labor, and you will have noticed that this treatment is not sympathetic and sincere and consistent, and I want to say to you further that the present attitude of the Government delegates with reference to special treatment is no exception.

It is said that the Government delegates are going to make a statement to the effect that the Japanese Government recognizes the right of labor to organize, but I should like to call attention again to the fact that so long as article 17 of the police regulations exists, the practical effects of which are to intimidate labor, there will be no benefit to labor in the simple theoretical recognition of the right of labor to organize.

We regret very much indeed to call attention to these domestic affairs, but finding ourselves in a most difficult situation there is nothing left but to swallow our national pride and bare the facts.

If during this conference we have seemed to use, at times, some rather harsh language, you will kindly attribute it to the difficult situation in which we have found ourselves, and not to any desire or intention on our part to speak unkindly or discourteously.

UHEI MASUMOTO,  
*Japanese Workers' Delegate.*

The PRESIDENT. Now, gentlemen. I venture to call your attention to the fact that it is past 11 and that there are still six speakers on the list. You all know the program which remains to be discussed. I think therefore that I speak for everybody in asking these speakers to shorten their speeches as much as possible, and I wonder if it would not even be possible for several of them

to combine in such a way that a single speaker might express the opinions of a group. At any rate, it is absolutely indispensable that each one shall condense as much as possible the remarks which he has to make upon the motion before us. Mr. Sampaio, delegate from Brazil, is recognized.

Mr. CRAWFORD (South Africa). I beg to move that the request of the Japanese delegate be granted and that his statement be embodied in the proceedings.

Mr. JOUHAUX (France). It has already been done.

The PRESIDENT. It has been included. The conference has granted the request which I put before it. Consequently it is useless to revert to that.

Mr. SAMPAIO (Brazil). I have decided to read what I have to say in order to sum it up and reduce it to a minimum. I have a few notes here which are sufficiently complete for you to be able to understand the conditions in my country, Brazil.

We delegates arrived too late in spite of the precautions we took to leave Rio de Janeiro on the 6th of October; we were delayed too long by unforeseen circumstances.

I wish to explain our delay so you may understand the difficulty that we have in grasping the situation in this conference, considering the physical impossibility of reading the records of your meetings, especially since you have decided to work both morning and afternoon. Yet we must make decisions notwithstanding all that. I must confess that we were astonished at the amount of work turned out during the two weeks of this conference. We decided to take no part in the discussion in order not to delay your decisions and not to prevent the complete success of this conference, which we consider to be the corner stone of the Wilson monument, the League of Nations.

If my friend and colleague entered the discussion yesterday, it was because we considered the subject of vital importance for the countries of Latin America, and I must tell you frankly that we would have voted in favor of the Baldesi motion on the distribution of raw materials—

The PRESIDENT. If you please, sir, let us keep to the subject. It would seem useless to explain to us what you would have done on the motions already passed.

Mr. VARELA (Uruguay). But this is a delegate who has just arrived, and we must give him opportunity to express himself.

The PRESIDENT. Sir, if each delegate who comes late is to explain how he would have voted from the very beginning of the conference we will have enough to keep us busy here for three weeks.

Mr. VARELA (Uruguay). He is the representatives of a country of considerable importance in America.

The PRESIDENT. It does not matter, sir; the standing orders must be observed. We are debating a certain motion and we are not rediscovering the motions already voted on. He might be the delegate of the greatest country in the world, and the rule would be the same.

Mr. SAMPAIO (Brazil). I think that we have already wasted a good deal of time in this discussion. You will see at once that I have not come here to justify the votes which I have cast on all the questions. You will see that at once.

I must tell you frankly that we would have voted in favor of the Baldesi motion on the distribution of raw materials if we had not noticed in his argument a certain tendency toward the socialization of nations which frightened us. You see thus that our intentions are in harmony with your main ideas, and that we were among the first to establish the eight-hour law where it was possible to do so. Indeed, it was in the capital of the State of Minas Geraes, in the far interior of Brazil, that such a law was enacted a year ago.

That does not mean—and now I am getting back to the subject—that the law on the eight-hour day and the 48-hour week can be enforced everywhere in Brazil. Quite the contrary; several restrictions must be made, not only those provided for in the draft convention, but also certain others indicated in the draft which is up for discussion, a draft which I should like to see more flexible.



so that we may not be forced to protest against the conclusions of this conference.

You will permit me, in order that you may grasp the restrictions which we are asking for, to say a few words about my country, the largest in Latin America, and one of the four largest countries in the world, with, however, a population of only 26,000,000. Brazil extends from the fourth degree of latitude north down to the thirty-fourth degree of latitude south. That means that it is a country certain regions of which are tropical and others of a temperate climate, and even a cold climate in the south. Thus the draft convention prepared by Mr. Fontaine applies to certain sections and the draft under discussion to others. But in order that you may grasp the conditions under which we are working in certain portions of Brazil, you will permit me to give you one of the most characteristic examples. You see, then, that I am reducing the question to the minimum.

You all know by name the River Amazon, whose valley is the largest in the world, but what you do not know is that this hydrographic basin, in which there are rivers of the greatest importance, such as the Araguaia, the Tocantins, the Solimões, the Yavary, the Madeira, the Purus, the Rio Negro, etc., possesses extraordinary conditions which prevent the application of the law which we are discussing, even with the elasticity proposed by the commission. Thus I must tell you that the difference in level between high water and low water amounts to 16 or 18 meters, i. e., the height of a five-story house. You see then that it is possible for any boat to go up to the points farthest removed from the mouth without the least trouble; but as this possibility can be utilized only for a period of about four months each year—and I draw the attention of the conference to this part in particular—since the water goes down and in the other months it is dangerous to navigate even in small boats, you see clearly why we have approved the amendment to the first article, subhead (d) of the draft convention, in spite of the opposition of the reporter, in order that navigation by inland waterways might be placed on the same footing as navigation by sea.

There are more than 2,000 nautical miles to navigate in uninhabited regions, where one passes weeks almost without seeing a habitation. And when I tell you that it is in this region that rubber is gathered, that means that this industry would be absolutely annihilated, killed, if the 8-hour day or even the 48-hour week were to be enforced there.

I do not wish to bore you by telling you how the rubber is gathered, but I must tell you that in that region they have to work slowly, with an hourly yield of one-third of that which any man would give elsewhere. For the same reason we have to take advantage of the time and work from sunrise to a half hour before sunset as a minimum, in order to avoid our great enemy, the mosquito, which forces the workmen to take shelter in houses with doors and windows whose every opening is protected by wire screening. Imagine then the cost of labor carried on in this region and you will understand why a railroad (1-meter gauge) scarcely 360 kilometers in length (practically miles), built to avoid the rapids of the River Madeira, cost us more than £8,000,000.

It must be added that this region is the outlet for a part of Bolivia and Peru, and that in Brazil there is not only the Amazon, but there are besides the Paraguay, the Parana, the San Francisco, which are all rivers of a peculiar character, which very often prevent work, so that unemployment would result perforce if we did not take advantage of all the time possible for work.

Add to that all the arguments presented by the distinguished representative from Cuba, since we too are producers of sugar cane, and the arguments of the commission on Japan, India, China, South Africa, etc., and you will understand that the case of Brazil is unique and so peculiar that I confess myself unable to tell you all the restrictions which it would be necessary to make, because we have not yet had enough experience, at any rate, to tell you what is to be done. Let us, the countries interested, join together, certain that

you will find that our way of thinking has very great breadth and liberality.

All of us who are here wish to attain some result and produce a draft which will protect the worker and the employer, both of whom are worthy of our consideration, but we do not desire in any way to impede the freedom of work, which is a freedom just as much to be respected as any other kind. Certainly it is not in a country where the greatest of all monuments to liberty has been built that anyone has the right to put a check on the freedom of work, on which the development of almost all of Latin America depends.

We have a large country, but we are a third-rate power; our aspirations are to rise to a level with the natural conditions which we possess and to become a first-class power, not in the military sense, we hope, but in the economic sense. You see then that unemployment with us would be rather the shutting down of factories for lack of labor and that our country is a regular paradise for the workingman, since the worker of to-day is the capitalist of to-morrow.

I request you, Mr. Jouhaux, to do us the honor to pay us a visit, since you yourself, Puritan as you are, would run the risk of becoming a capitalist by staying there, and I hope that you would not blame us for it.

And you, Mr. Fontaine, whose work at this conference is appreciated by all of us, I beg that you will restore to your draft convention article 9 thus modified:

The case of the countries where climatic condition, incomplete developments, or other special circumstances modify essentially the productiveness of the workers, shall be inquired into by the special conference which is to examine the problems of sea transport, or by next year's conference, but the convention shall be applied in all cases where the application is possible.

The PRESIDENT. There are still seven speakers on the list and it is half past 11. Will the gentlemen permit me to remind them once more of the plea which I made on behalf of the conference to shorten their remarks as far as possible?

Mr. CRAWFORD (South Africa). Would you mind reading the names of the speakers, so that they would be enabled to meet one another?

The PRESIDENT. The names of speakers listed are Messrs. Mertens, Oka, Oudegeest, Jouhaux, Baldesi, Muto, and Fausto Ferraz.

Mr. Mertens is recognized.

Mr. MERTENS (Belgium). Mr. President, I hesitate to prolong the debate further than was expected, but I can not refrain from saying a few words in support of what has been said by the Japanese delegate, Mr. Masumoto.

I rather think Mr. Barnes exaggerates a trifle in his report as far as Japan is concerned, and even other countries. Mr. Barnes asks us not to apply to Japan the provisions of the convention which we have already adopted provisionally, because Japan is a country whose industrial development is still incomplete. Now, the information which we have obtained proves that in Japan industry is very well developed.

There are three main industries, metal working, shipbuilding, and the cotton industry, and we can show that in these three industries the employers are organized in a way that might be an example for many European countries. And in the face of that fact we are requested here to-day to make an exception in favor of Japan—Japan, who during the war was enabled to work and develop her industry, while in Belgium, for instance, instead of the country's being able to work and develop, everything has been destroyed. We are to place Belgium, all of whose industries have been destroyed, on the same footing as the other countries, and we are asked to put on some other footing industry like that of the Japanese, which has had opportunity to develop during the last five years. I must say that I am not of this mind, and I am opposed to this exceptional treatment, so far as Japan is concerned. And for that I have my reasons.



From all the information which I have, I understand that all these industries made formidable progress between 1913 and 1917. The output of cast iron has doubled in Japan in four years' time. Take the textile industries; they have machinery of the very latest kind, the most modern machinery. The manufacture of cotton thread and cotton goods has considerably increased. And I ask why should anyone want to place that country on a different footing from the European countries just at the very time when that country is exploiting its women and children? I can not admit it, Mr. President.

One more word. The Japanese Government delegate has just spoken of my opposition to the nomination of the Japanese workers' delegate. As a matter of fact, I did say while I was talking that we were not opposed to the admission of the Japanese workers' delegate, but that I requested the conference to take such steps that in the future the Japanese Government might be obliged to conform to the terms of the peace treaty. I note that in the peace treaty it is stated that our duty in the conference is to affirm the principle of the right of organization. To save time, I do not wish to read that here, but if you will reread the articles of the law which Mr. Masumoto submitted to the assembly two or three days ago, you will see that this right to organize does not yet exist in Japan, and that is why in my opinion I must urge the conference not to accept Mr. Barnes' proposition. And I wish to declare beforehand that as far as the application of this is concerned I am in support of a motion which will be made presently by Mr. Oudegeest in his own name and on behalf of Mr. Jouhaux.

A single word further. As regards India, Mr. Barnes said in his report that the conference recommends that the Government of India be invited to adopt the principle of the 48-hour week. That is not even a recommendation; it is not a convention; we are going to invite the Government of India to be kind enough to apply the 48-hour week in that very country where the shameful exploitation of children still exists everywhere. And I say that as a workers' delegate I can not admit such terms in a report which is presented to us, and I request the rejection of the proposition made by Mr. Barnes.

A final remark. If so many exceptions are asked of us, if we continue in this way, and try to grant exemptions to all these different countries, I assure you that we shall not arrive in all these countries with our recommendations and conventions until after the 8-hour day and the 48-hour week have already been put into practice. [Applause.]

The PRESIDENT. Mr. Oudegeest is recognized. Will you speak in French, Mr. Oudegeest?

Mr. OUDEGEEST (Netherlands). That is utterly impossible for me. I can say a few words in French, but I can not use the language in a meeting.

The INTERPRETER. The interpreter would understand you well enough to be able to translate you.

Mr. OUDEGEEST. No; it is quite impossible. [Continues in Dutch]: The question at present under discussion is of the greatest importance, not only for Japan but for many European countries. A large amount of sickness prevails in Japan through working women and children over 13 hours a day. Now, that is not all. They are even allowed to work them 120 hours a year overtime, and thus you have conditions in Japan which are absolutely unworthy of human existence. The Japanese people should be protected by us against their own Government that wants to exploit them. What conditions do we see in Japan? Tuberculosis and general disease and such conditions of poverty that they are really demoralizing for the people.

In the report presented by the Japanese delegate it is stated, "Japan will endeavor to speed social development toward modern tendencies." But what does Japan do? It does the contrary by now opposing principles which we wish to apply to other countries. It is a mere platonic assertion that has no relation to reality. Japan, of late years, has come to the front in international

politics, but there is a proverb, "noblesse oblige"; he who plays the first violin in other matters should try and play the first violin also in the questions of factory legislation.

The proposal for reducing the working day to 9½ hours a day can not satisfy us. The proposal for limiting to 15 years the age of admission to industry can not give us satisfaction. But we are willing to postpone the application of the principles which we are now advocating for two years in the case of Japan, giving her an opportunity gradually to introduce the reforms. I wish to present the following motion:

This conference thinks that the industrial situation of Japan is such that the application of the 8-hour day and 48-hour week is necessary for all the industries, and that this application is possible after a waiting period of two years. It therefore decides that the general convention shall be put into force in Japan not later than January 1, 1922.

This delay gives Japan a chance of introducing this reform. Japan is in a very favorable situation. She can get very cheap raw materials from Korea and China, and has a large population, so that she has an abundance of cheap labor. Now, if we allow Japan to develop at present by bestowing special favors upon her, of which she is not in need, then we shall endanger European countries, because our workers will have to compete with conditions which are unworthy of human existence.

Mr. BARNES (Great Britain). Point of order, Mr. Chairman. My point of order is this: You will be aware, Mr. Chairman, that I have put up a motion asking only that modifications should be made in respect to Japan and the other countries. There is nothing in my motion respecting the character of the modification. Now, I understand that the motion just put forward admits that modifications may be made, but suggests another kind of modification. Might I suggest to you, Mr. Chairman, that the time for that is when we come to discuss the actual modification?

The PRESIDENT. Mr. Barnes is right. The debate must bear first upon the general application of this principle and then on the application of the principle to the different countries. I shall recognize Mr. Jouhaux to speak on the question of the general principle.

Mr. JOUHAUX (France). I do not wish to take the attention of the conference very long. Considering that the question of Japan has already been solved in the minds of many delegates, I wish simply to recall in a few words the general ideas presented at the Paris conference when we discussed the agenda now under discussion here. I would also recall the preamble of the international labor charter and point out some of its general implications.

The preamble of the international labor charter declares that the interests of the workers are identical the world over, and that we must endeavor to enact uniform labor legislation in all countries. Logically and normally that should be the purpose of the conference now in progress. Now, on the very first question, which is the most important of all those on the agenda, we are asked to accord special treatment to a country whose industrial development may be considered as third rate, if we compare it with the industrial development of a country like France. If on the other hand we bear in mind the situation of each of these countries during the war, we must consider the fact that Japan was able to develop her industry, to provide new trade outlets, to create an era of intense production, while France has seen her territory devastated, her industrial development arrested, and her trade outlets neutralized. We have not requested special treatment for our country, we considered that the general aim of the international conference at Washington was to be realized, and that all our efforts and good will were to converge toward that aim, that it was not necessary that any country, except for extraordinarily unusual circumstances, should be classed as beyond the reach of a strict application of the conventions adopted by the conference. That is the reason why we agreed that the treatment of certain countries should be looked into by a special commission; although in the meantime we hold



that having called the nations to the defense of liberty and higher civilization, we have no right to let them crouch under cover of a lower state of civilization. In spite of these humane sentiments which we advance, we accepted the proposition to refer to a special commission the examination of certain countries; but it did not occur to the workers' delegates that Japan could be considered as a country presenting such special conditions that important exceptions should be accorded her with regard to the application of the eight-hour day.

I wish to recall to you in a few words the situation previous to 1914. In all the European countries at that time there were complaints of Japanese competition, in all the European countries there were protests against the long working day and the low wages imposed on Japanese workers. They pleaded this peculiar situation in Japan in order to refuse workers their demands. We might have brought whole books here, English, German, French, Italian, books of all nations, newspapers of all nations, bearing on this question and using the language which I have just quoted. Does the situation which we were criticizing yesterday no longer exist to-day? In this International Labor Conference are we going to forget the point of view which we adopted, to grant concessions, with the intention perhaps of pleading the particular case of Japan in order not to apply strictly in our own countries the conditions of the convention on which we have voted?

I say that if that is the hidden desire of certain individuals, these individuals must be immediately disabused of such an idea. It will not be permissible to-morrow to find ourselves in a position where we are unable to apply the whole convention because such and such an important exception may have been granted to such and such a country.

I must particularly draw the attention of the employers' delegates of the European countries to the fact that this will be an agreement to give a country which has enjoyed an era of a more rapid industrial development than their own the opportunity of starting a competitive régime against which they can do nothing, and all that without profit to themselves.

Consequently, in view of this general situation, I ask that the proposition submitted by Mr. Oudegeest be given consideration, and even if it be granted that peculiar conditions exist, outside of certain industries, that it may yet not be possible to say that Japan is an industrially backward country and by reason of that fact to grant her special treatment.

On the other hand, a book has been circulated here which bears on the industrial development of Japan. I should like to have this book and lay it before the delegates at the conference. Then they would understand the development of Japan in industrial technique. They would understand the perfect practicability of the application of the eight-hour day in Japan. They would understand that Japan is a country having a considerable output, and that consequently if we grant her to-day such special treatment, such leniency will flood—let us not be afraid to call things by their right name—the European market with her products, and it will thus check to a large extent the industrial progress of other countries. It is to this particular point, aside from all diplomatic considerations or questions of the agenda, that I would draw the attention of the conference and ask it to give its judgment in accordance with the exact situation of Japan and not according to this, that, or the other consideration of a diplomatic or formal nature.

The PRESIDENT. Mr. Baldesi is recognized.

Mr. BALDESI (Italy—remarks in Italian). The conference need not be surprised if a great many workingmen's delegates wish to speak on this question of Japan. Representing the Italian workingmen, I wish to express complete agreement with the protest made by the Japanese workingmen's delegate. Perhaps the defects in Japanese industrial development which have been referred to may depend mainly on the fact that hitherto Japanese workmen have not been allowed to have any organization in their country. They are not allowed to organize, and this con-

ference offers them the opportunity of bringing forward their protests and remarks for the first time.

Japan's position is a curious one. She takes her place in the world as a first-class power. She takes her place in the world as a first-class power in every respect; and yet she comes to this international conference to plead her condition of inferiority.

I wish to make a point which has not been emphasized by other speakers. Is Japan an importing or an exporting country? Japan is an exporting country. Efforts have been made by Japan to sell ships at a price which cuts the cost production in other countries. In the case of the silk industry, the wages of the worker in other countries are kept down precisely because of the competition that Japan is in a position to maintain in the silk exporting industry.

I may add a few words on other countries which are asking for exclusion from the 8-hour law. Among these are Greece and Roumania, and I note that the exclusions asked for are precisely in those industries in which the physical effort of the workers is most severe and in which it is most necessary that they should have proper hours of rest.

I could accept the proposal contained in the motion by Mr. Oudegeest as a "pis-aller"—a makeshift. But this measure asks for an extension of two years in the application of the 8-hour law to Japan. Now, that would mean that the practical working of the law would not be enforced before some three and one-half years had elapsed. In the present conditions of development, can it be supposed that in three and one-half years' time matters would not have progressed in the great industrial countries, and that the labor organizations themselves will not have changed the position of affairs, as it stands now.

By granting two years' extension to Japan, Japan will be placed in a particularly privileged position. What has been said here is perfectly true, that Japan is in a very special situation, but that special situation is not one of inferiority to Europe, but rather one of superiority. It should not be forgotten that for five years past Europe has been in the throes of a terrific war. All her industrial organization has been perturbed and upset and in a great part her wealth has been destroyed. Capital has emigrated from Europe and has immigrated into Japan.

I will conclude my remarks by supporting the observation that was made by Mr. Jouhaux. It is quite true that there may be certain countries here which support the claims of the Japanese Government delegates and believe that in so supporting them they are serving their own interests. It may be that certain interests will be assisted by retarding the application of the 8-hour law in Japan for a period of five years, as has been asked, but let the people here remember that in supporting certain interests they are going against the supreme rights of humanity in this matter.

The PRESIDENT. Mr. Oka is recognized.

Mr. OKA (Japan). Mr. Chairman, I beg to make a few remarks upon the discussion of our esteemed colleagues, Mr. Mertens, Mr. Oudegeest, Mr. Jouhaux, and Mr. Baldesi.

With regard to what Mr. Mertens, from Belgium, has stated, let me call your attention to this: That it is entirely wrong to judge the entire industrial situation by the facts which apply to only a part of industry. I regret to note that Mr. Mertens has been misled by considering only the advanced phases of Japanese industry.

He has referred to the remarkable industrial situation in Japan brought about by the war. But let me remind you that war conditions are only abnormal and not permanent. War conditions are the wrong ground on which to base any judgment comparing Japan with Europe. The fact that the industry in Japan is on a very small scale will become evident if you will glance at the report of the commission on special countries. Also, the fact that the organization of industry and the efficiency of labor are less advanced than in Europe can not be denied. You will please remember that the provisions applying to Japan have been proposed only as temporary measures. It is not because Japan wants special treatment as such, but because of the present necessity that Japan claims this treatment.



With regard to the proposition of our colleague, Mr. Oudegeest, from Holland, I may make a few remarks. Anyone versed in the history of the development of factory legislation knows that the proposition proposed by Mr. Oudegeest is an entirely impracticable one. The progress of labor must parallel the development of industry in such countries. It is a fact that we have made very great progress, but it is absolutely impossible to make a very sudden jump, the jump over the distance which you have advanced in these 40 or 50 years. We may take such a step but no such precipitate action has ever met with success.

Next, I want to answer our friend and colleague, Mr. Jouhaux. Mr. Jouhaux has pointed to the clause of the peace treaty. I am in perfect agreement with Mr. Jouhaux that the interest of labor should be uniform throughout the world. But Mr. Jouhaux must recall at the same time that the peace treaty provides that there should be special considerations given to the countries where industrial conditions are essentially different. The peace treaty never did mean to give uniform treatment to all the countries concerned. It did not intend to place all countries in the same line at all. There are many special clauses on the special treatment of countries with special conditions. I am sure that all our colleagues will agree in the spirit of the peace treaty.

And then, in answer to Mr. Baldesi, let me simply remind him of the fact that in Japan we have not had such a long history of labor legislation as in Italy. It is indeed erroneous to compare the industrial development of Italy with that of Japan to-day.

Therefore, I would like all the gentlemen here to pass the proposition made by the commission on special countries. [Applause.]

The PRESIDENT. Mr. Barnes, the reporter, is recognized.

Mr. BARNES (Great Britain). Mr. Chairman and fellow delegates: Might I just bring the conference back to the simple issue that is before you? A great deal has been said this morning as to the right of the Japanese workmen to organize being denied them. That has nothing at all to do with the proposition now before the meeting. I have in my hand a statement which has already been read by the Government delegate of Japan this morning, which directly challenges that statement, and which says that there is no law in Japan at present to prevent organization, and, speaking on behalf of the Japanese Government, he goes further and says that that Government is now about to introduce legislation not only admitting but encouraging organization of labor. I merely make mention of that as an illustration of the many statements that have been made this morning, perhaps not intended to prejudice the meeting, but which are calculated to prejudice the meeting.

Let me mention another before going on. I think it was Mr. Mertens, I am not sure, but I think it was Mr. Mertens, who said that Japan was now using machinery exactly the same as the machinery in Europe, and that therefore Japan ought to be brought under the operation of the 8-hour law the same as Europe. There again it is a matter that we have gone into very carefully at the special commission, and might I say to Mr. Mertens that that statement is absolutely contrary to the facts, the real facts, because it is a physical impossibility for Japan to get machinery into that country to carry out the 8-hour law at the same time as other countries. It is not a matter of argument; it is not a matter of theory. It is a simple matter of fact.

The Japanese Government has agreed to apply the Bern Convention. Now, the Bern Convention stipulates for 7 hours rest at night for women. That reduces the working time of the Japanese factories from 22 hours, which they at present work, down to 17 as a maximum. Even if they work all the time from 5 o'clock in the morning until 10 o'clock at night, which they can not do, but even if they did that reduces their possible time from 22 to 17.

The probability is that whatever we may do here in regard to the application of the 8-hour law, in the cotton factories which use this machinery the hours of work will be 8 hours, in order to work the machinery to the full limit of 17; but, even then, in order to maintain the production at the present level they have got to import

into Japan no less than one and a half million spindles. That one million and a half of spindles is now on order in Great Britain, and in America and, I am told, can not be produced and delivered in Japan within less than three years. That is another important thought which it was necessary to make clear. It is not a matter of argument and not a matter of theory, but a simple matter of fact, which makes it a physical impossibility for Japan to put the hours into operation inside of that time.

I am not going to mention any more of the arguments or statements that have been made this morning. I simply want to make an appeal to this meeting to regard this matter, not as a matter to be decided by rhetoric but to be decided by practical statesmanship. [Applause.]

What is the position? We have heard a great deal about the evils of factory life in Japan. I think Mr. Jouhaux [Mr. Oudegeest] said something about the sickness consequent upon that evil condition of things in Japan. Gentlemen, can any of us afford to make statements of that kind without having the stone thrown at us by Japan? Going back in our own recollections for the last—shall I say two generations—might I indulge in a little personal reminiscence? I myself worked in a jute factory in Great Britain 50 years ago, before I had attained the age of 11 years, 59½ hours per week. For over a generation now in Great Britain, as a matter of fact from the year 1802, we in Great Britain have been passing factory acts, one after the other, each of them an improvement upon its predecessor, and we have got now to a certain stage of industrial development and a certain stage of civilization. Do you want to ask Japan, which is but 30 to 40 years old in industry, to do what we have done, and what we have only been able to do as the result of 117 years' experiment and trial and agitation? Well, I can only say if you do, you are putting upon Japan an impossible proposition.

We have met in the special commission and we have regarded this matter from the viewpoint of making treaties with Japan and the other countries concerned, and here let me say that in my judgment Mr. Oka and his colleague have met us fairly. The employers' delegates have also been induced to go a long way in the direction of all those who have spoken this morning, and what we have done is really to make treaties with the Governments, including Japan. We have made these bargains, and I think if they are indorsed we may go away with the perfect understanding that these bargains will be carried out. They have all the force of treaties. But what happens if you turn them down? Can you impose your will upon Japan? Can you impose your will upon India? Not at all. If you turn these treaties down, and you do not put in their place something else to which you as a full conference might induce these Governments to agree, then those Government delegates go back relieved of the moral obligation. At present they are under a moral obligation to put into effect these bargains that we have made with them.

I ask you, then, as my last word, to treat these bargains a good deal more—shall I say—in a judicial line than has been exhibited this morning; to regard them as something going a long way in your direction, and as embodying the hope and belief that Japan and the other countries concerned, having gone thus far, will in the near future go a good deal further and bring their workmen up to the high standard of workmen in Europe and America.

I hope that you will pass the resolution, asking only, as it does, for modifications, not saying anything about what these modifications should be. I hope that you will pass that resolution and discuss the modifications later on. [Applause.]

The PRESIDENT. Mr. Schindler is recognized.

Mr. SCHINDLER (Switzerland). Mr. President, I propose a closure, as all the questions for and against have been adequately discussed.

Mr. OUDEGEEST (Netherlands). Why no, Mr. Barnes spoke twice, contrary to the standing orders.

The PRESIDENT. The reporter alone has the right to speak twice by virtue of the standing orders.



Mr. JOUHAUX (France). Is it allowable to ask a question on the method of proceeding indicated by Mr. Barnes? Is it allowable to ask how we are going to vote?

The PRESIDENT. We must first consider the closure.

Mr. JOUHAUX (France). Pardon me, after voting for closure, we have no longer a right to ask questions. If we have no opportunity of informing ourselves on the manner of taking a vote, we shall not know how to vote.

The PRESIDENT. Yes, you will have it.

Mr. JOUHAUX (France). We are facing a perfectly strange method of proceeding.

The PRESIDENT. That is understood.

Mr. JOUHAUX (France). Well, if you are as unacquainted with this procedure as we are, all the more reason for explanations.

The PRESIDENT. But the standing orders are there; we must follow them. We must first close the discussion. As soon as we have voted on the motion for closure you shall have the floor, Mr. Jouhaux, to ask a question on the vote which is to be taken. At the present time the only motion before the meeting is the motion for closure.

Those in favor of adopting the motion on closure, please raise the hand.

A BRAZILIAN DELEGATE. Mr. President, I asked to be recognized.

The PRESIDENT. The voting has begun, sir.

[Votes counted.]

Those opposed to closure, please raise the hand.

[Votes counted.]

The result of the voting gives 74 for closure and 16 against. Therefore the closure is ruled.

We have before us a motion by Mr. Barnes; but on this motion, according to the proposition of Mr. Jouhaux, on the principle of this motion, everybody is agreed.

Mr. Barnes's motion is worded as follows:

That modifications of the main convention respecting the application of the principle of the 8-hour day and 48-hour week to the countries named in the report of the special commission are justified.

I believe that everybody is agreed on that point of view, since Mr. Jouhaux asked for a shorter period before enforcement; Mr. Barnes motion does not provide for any extension of time at all.

Mr. JOUHAUX (France). I ask to be recognized.

The PRESIDENT. Mr. Jouhaux is recognized to question my characterization of the situation.

Mr. JOUHAUX (France). No, it is not to question your characterization, Mr. President, it is to ask Mr. Barnes for an explanation.

The explanation that I desire to have is this: After voting on Mr. Barnes motion, can our amendment come up for discussion or for voting?

The PRESIDENT. Yes.

Mr. JOUHAUX (France). It was merely an explanation that I wanted, and it is important because it determines our vote.

Mr. BARNES (Great Britain). I do not know that I can add anything to what the chairman has said. I have tried several times to make it quite clear that my motion simply affirms the principle that modifications are justified. What those modifications may be can be discussed later; and, as a matter of fact, one of the modifications you will find in the printed matter which has been in your hands for three days. The latter has to do with the limit of time. If I were in the chair I would say that when that was reached, that was the time for Mr. Jouhaux's amendment to come on.

Mr. JOUHAUX (France). Yes; it was a reply without being a direct answer.

The PRESIDENT. That means that the motion of Mr. Barnes applies to all countries indiscriminately, while your motion, Mr. Jouhaux, signed by you and your colleagues, applies to Japan exclusively. Consequently, as you have no objection to the motion as a whole, I think we can consider the motion of Mr. Barnes adopted.

I will call for a vote in order to be perfectly certain, and I request all those in favor of its adoption to raise the hand.

[Votes counted.]

Those opposed, please raise the hand.

[Votes counted.]

The motion is carried by 58 votes against 7. Now we shall take up the details as they affect the different countries. We shall begin with Japan. Now is the time for Mr. Jouhaux's motion:

The conference being of opinion that the industrial condition of Japan is such as to require the application of the 8-hour day and the 48-hour week to all industries and that such application is possible within two years, decides that the general convention shall come into force in Japan not later than the 1st of January, 1922.

Mr. BARNES. Might I rise to a point of order, Mr. Chairman? I am sorry that I have not made my position clear to the meeting. The special commission's report has been in print, I think, three days. There are amendments both as to the time and as to the circumstances under which we propose that the 8-hour day or a shorter-hour day should be brought into operation. One of the amendments, or, at least, one of the propositions that we make is as to the time within which we should ask the Japanese Government to apply the 8-hour day. As it happens, that comes at the end of our proposition, and it seems to me that the proper thing to do would be to take Mr. Jouhaux's motion when we reach that particular proposition which I should say as a matter of form is now before the meeting.

The PRESIDENT. You have heard the explanation made by the reporter, and you have heard especially the discussion which took place; we now have to vote on Mr. Jouhaux's motion, and this vote has been made the subject of a request for a record vote, a request presented by 26 members, whose signatures are here. According to the standing orders this request must be granted. Before proceeding to a vote the secretary will read once more Mr. Jouhaux's motion:

[The clerk read the following motion:]

The conference being of opinion that the industrial condition of Japan is such as to require the application of the 8-hour day and the 48-hour week to all industries and that such application is possible within two years, decides that the general convention shall come into force in Japan not later than the 1st of January, 1922.

The SECRETARY GENERAL. Those in favor of Mr. Jouhaux's motion are requested to say "yes," those against Mr. Jouhaux's motion to say "no."

[Roll call:]

YES—42.

|                              |                                |
|------------------------------|--------------------------------|
| Argentina:                   | Japan:                         |
| Mr. Americo Balino.          | Mr. Uhoi Masumoto.             |
| Belgium:                     | Netherlands:                   |
| Mr. Michel Lévié.            | Mr. J. Oudegeest.              |
| Mr. Ernest Mahaim.           | Norway:                        |
| Mr. Corneille Mertens.       | Judge Johan Castberg.          |
| Canada:                      | Mr. J. Teigen.                 |
| Mr. P. M. Draper.            | Pecu:                          |
| Czecho-Slovakia:             | Mr. Victor A. Pujazon.         |
| Mr. J. Sousek.               | Poland:                        |
| Mr. Charles Spinka.          | Mr. Franciszek Sokal.          |
| Mr. F. Hodacz.               | Mr. Jozef Rymer.               |
| Denmark:                     | Mr. Edmund Bernatowicz.        |
| Mr. S. Neumann.              | Portugal:                      |
| Mr. C. F. Madsen.            | Mr. Alfredo Franco.            |
| Finland:                     | Roumania:                      |
| Judge Niilo A. Mannio.       | Mr. C. Orghidan.               |
| Mr. Matti Paasivuori.        | Mr. Gregoire Michacesco.       |
| France:                      | Serbs, Croats, and Slovenes:   |
| Mr. Arthur Fontaine.         | Dr. Slavko Y. Grouitch.        |
| Mr. Max Lazard.              | Dr. Ludevit Peritch.           |
| Mr. Léon Jouhaux.            | Mr. Marko Bauer.               |
| Greece:                      | Spain:                         |
| Mr. Timoleon Lamprinopoulos. | Viscount de Eza.               |
| Guatemala:                   | Mr. Adolfo Gonzalez Posada.    |
| Mr. Manuel Moreno.           | Mr. Francisco Largo Caballero. |
| India:                       | Sweden:                        |
| Mr. Narayan Malhar Joshi.    | Mr. A. Herman Lindqvist.       |
| Italy:                       | Switzerland:                   |
| Baron Mayor des Planches.    | Mr. Conrad Ilg.                |
| Dr. G. di Palma Castiglione. | Uruguay:                       |
| Comm. E. Baroni.             | Dr. Jacobo Varela.             |
| Mr. Gino Baldesi.            |                                |



No—45

|                               |                                 |
|-------------------------------|---------------------------------|
| <b>Argentina:</b>             | <b>India:</b>                   |
| Dr. Leonidas Anastasi.        | Mr. Louis James Kershaw.        |
| Dr. Felipe Espil.             | Mr. Atul Chandra Chatterjee.    |
| Mr. Hermenegildo Pini.        | Mr. Alexander Robertson Murray. |
| <b>Belgium:</b>               | <b>Japan:</b>                   |
| Mr. Jules Carlier.            | Mr. Eikichi Kamada.             |
| <b>Brazil:</b>                | Dr. Minoru Oka.                 |
| Mr. Carlos Sampaio.           | Mr. Shichiro Muto.              |
| <b>Canada:</b>                | <b>Netherlands:</b>             |
| Hon. Gideon D. Robertson.     | Mr. G. J. van Thienen.          |
| Hon. Newton W. Rowell.        | Mr. J. A. E. Verkade.           |
| Mr. S. R. Parsons.            | <b>Nicaragua:</b>               |
| <b>China:</b>                 | Señor Don Ramon Enriquez.       |
| Mr. Lingoh Wang.              | <b>Norway:</b>                  |
| <b>Cuba:</b>                  | Judge I. M. Lund.               |
| Mr. Carlos Armenteros.        | Mr. G. Paus.                    |
| Mr. Francisco Carrera Justiz. | <b>Portugal:</b>                |
| <b>Denmark:</b>               | Mr. Jose Barbosa.               |
| Mr. C. V. Bramsnaes.          | Mr. Alvaro de Lacêda.           |
| Mr. H. Vestesen.              | <b>Siam:</b>                    |
| <b>Finland:</b>               | Phya Prabha Karavongse.         |
| Mr. Robert Lavonius.          | Phya Chanindr Bhakdi.           |
| <b>France:</b>                | <b>South Africa:</b>            |
| Mr. Louis Guérin.             | Mr. H. Warrington Smyth.        |
| <b>Great Britain:</b>         | <b>Spain:</b>                   |
| Rt. Hon. G. N. Barnes.        | Mr. Alfonso Sala.               |
| Sir Malcolm Delevingne.       | <b>Sweden:</b>                  |
| Mr. D. S. Marjoribanks.       | Judge A. Erik M. Sjöborg.       |
| Mr. G. H. Stuart-Bunning.     | Senator R. G. Halfred von Koch. |
| <b>Greece:</b>                | Senator Hjalmar von Sydow.      |
| Mr. John Sofianopoulos.       | <b>Switzerland:</b>             |
| Mr. Angelus Skinzopoulos.     | Dr. Hans Sulzer.                |
| Mr. Eugene Cantacuzène.       | Dr. Hermann Rufenacht.          |
|                               | Mr. Dietrich Schindler.         |

The PRESIDENT. Gentlemen, will you please give me your attention a moment. Mr. Fontaine has offered the following motion:

The first International Labor Conference, on the occasion of America's Thanksgiving holiday, takes this opportunity of uniting with the great people of this land in an expression of thanksgiving and praise. At the same time the representatives of the nations of the world here assembled desire to convey to the United States a message of appreciation and esteem from our respective peoples and to bespeak for the future a perpetuation of the cordial relationship now existing between them and the great nation whose guests they are on this occasion.

This conference fervently expresses the hope that this and future meetings may become an added instrumentality to the advancement of mankind and the permanent establishment of peace and good will upon earth.

The PRESIDENT. Is the motion seconded?

Mr. ROBERTSON (Canada). I rise for the purpose of seconding Mr. Fontaine's motion. Probably no nation represented at this conference is more intimately acquainted with or has greater respect for the United States of America than has the country from which I come; and I therefore take pleasure in seconding the motion offered by Mr. Fontaine.

The PRESIDENT. Those in favor of the motion, please signify by rising.

[All the delegates rise.]

I think we can say that the motion is unanimously carried. [Applause.]

Now, here is the result of the vote which we took a few moments ago.

Mr. PARSONS (Canada). Mr. President, would you allow me one moment to suggest that one word in that resolution is hardly correct, where we state that it is America's holiday. It should be the United States, because the United States is only a part of America. Otherwise I am most heartily in favor of it.

The PRESIDENT. This motion having been disposed of, and as the discussion has been sufficiently prolonged, may we consider the draft convention dealing with Japan as adopted? Those in favor of adopting it, please raise the hand.

[Votes counted.]

Those opposed, please raise the hand.

[Votes counted.]

The motion is carried by 57 votes against 4.

Mr. FERRAZ (Brazil). The workers of Brazil send friendly greetings by me to all the workers here represented; they say to them that

the same ideals of justice and the same sentiments of humanity are to be found in their hearts with regard to universal civilization.

The eight-hour day is already officially achieved in Brazil. The workers of my country deeply regret that the absence of the employers' delegate deprives me of the privilege of voting as a representative of the workers and of protesting on their behalf against the exception which is going to be made for our country.

It is precisely in warm climates that the worker needs to rest in order to recuperate his strength and to find the necessary leisure for education and culture. Sufficient time must be given him if he wishes to attend schools for adults, technical schools, or other professional institutions.

It is a commonplace of social science that a man who is technically well equipped constitutes a valuable economic asset, and this is particularly true with regard to young countries like ours.

For all these reasons the workers of Brazil think it their duty to protest against the exception which is made for them, when the eight-hour day is already an accomplished fact in their country.

The PRESIDENT. Now we come to India. Gentlemen, please be patient a few minutes longer, and we shall get through this morning.

Mr. JOSHI (India). Mr. Chairman, I would like to know whether there is any resolution before the conference about India, because the honorable Mr. Barnes moved a motion simply adopting the principle that modifications should be applied to Japan, India, and several other countries. There is no other motion before this conference. I should therefore like to know what we are discussing now. If we are discussing the detailed propositions about India I should like to make a few remarks.

The PRESIDENT (interrupting Mr. Joshi). If you are going to make a speech, I think it would be advisable to wait, as it is important to adjourn the meeting, since nobody will listen to your remarks, and besides we shall not have a sufficient number of votes for a quorum.

To-morrow I propose that we begin a little earlier. We did not begin to-day until 20 minutes past 10. If we want to finish, we positively must be able to come to order at 10 o'clock sharp.

The meeting stands adjourned to Friday, November 28, 1919, at 10 o'clock in the morning.

(Whereupon at 1.40 p. m. an adjournment was taken to Friday, November 28, 1919, at 10 a. m.)

#### The following delegates were present:

|  |  |
|--|--|
| <b>Argentina:</b>                            | <b>Czecho-Slovakia:</b>                                    |
| Dr. Leonidas Anastasi.                       | Mr. J. Sousek.   |
| Dr. Felipe Espil.                            | Mr. Charles Spinka.  |
| Mr. Hermenegildo Pini.                       | Mr. A. Z. Kriz (substitute for Mr. F. Hodacz).             |
| Mr. Americo Balino.                          | Mr. R. Tayerle.  |
| <b>Belgium:</b>                              | <b>Denmark:</b>  |
| Mr. Julin (substitute for Mr. Michel Lévie). | Mr. S. Neumann.  |
| Mr. Ernest Mahaim.                           | Mr. Bertel Dahlgaard (substitute for Mr. C. V. Bramsnaes). |
| Mr. Jules Carlier.                           | Mr. H. Vestesen.   |
| Mr. Cornelle Mertens.                        | Mr. C. F. Madsen.  |
| <b>Brazil:</b>                               | <b>France:</b>   |
| Mr. Carlos Sampaio.                          | Mr. Arthur Fontaine.                                       |
| Mr. Fausto Ferraz.                           | Mr. Boulon (substitute for Mr. Max Lazard).                |
| Dr. Afranio de Mello Franco.                 | Mr. Louis Guérin.  |
| <b>Canada:</b>                               | Mr. Léon Jouhaux.  |
| Hon. Gideon D. Robertson.                    | <b>Great Britain:</b>                                      |
| Hon. Newton W. Rowell.                       | Right Hon. G. N. Barnes.                                   |
| Mr. S. R. Parsons.                           | Sir Malcolm Delevingne.                                    |
| Mr. P. M. Draper.                            | Mr. D. S. Marjoribanks.                                    |
| <b>Chile:</b>                                | Mr. G. H. Stuart-Bunning.                                  |
| Mr. Gustavo Munizaga Varela.                 | <b>Greece:</b>   |
| Mr. F. N. del Rio.                           | Mr. John Sofianopoulos.                                    |
| <b>China:</b>                                | Mr. Angelus Skinzopoulos.                                  |
| Mr. Lingoh Wang.                             | Mr. Timoleon Lamprinopoulos.                               |
| <b>Cuba:</b>                                 |  |
| Mr. Carlos Armenteros.                       |  |
| Mr. Francisco Carrera Justiz.                |  |



## Guatemala:

Mr. Francisco Sanchez Latour.  
Dr. Ramin Bengoecha.  
Mr. Alfredo Palomo Rodriguez.  
Mr. Manuel Moreno.

## India:

Mr. Louis James Kershaw.  
Mr. Atul Chandra Chatterjee.  
Mr. Alexander Robertson Murray.

## Italy:

Baron Mayor des Planches.  
Dr. G. di Palma Castiglione (substitute for Mr. A. Carbinì).  
Mr. Gino Baldesi.

## Japan:

Mr. Eikichi Kamada.  
Dr. Minoru Oka.  
Mr. Sanji Muto.  
Mr. Uhei Masumoto.

## Netherlands:

Mr. G. J. van Thienen.  
Mr. J. A. E. Verkade.  
Mr. J. Oudegeest.

## Nicaragua:

Señor Don Ramon Enriquez.

## Norway:

Judge John Castberg.  
Judge I. M. Lund.  
Mr. G. Paus.  
Mr. J. Teigen (substitute for Mr. Ole Lian).

## Peru:

Mr. Carlos Prevost.  
Mr. Eduardo Higginson.  
Mr. Vicente Gonzalez Bazo.  
Mr. Victor A. Pujazon.

## Poland:

Mr. Franciszek Sokal.  
Mr. Jozef Rymer.  
Mr. Edmund Bernatowicz.

## Portugal:

Mr. Jose Barbosa.  
Mr. Alvaro de Lacerda.  
Mr. Alfredo Franco.

## Roumania:

Mr. C. Orghidan.  
Mr. Gregoire Michalesco.

## Serbs, Creats, and Slovenes:

Mr. Velimir Stoykovitch (substitute for Dr. Slavko Y. Grouitch).  
Dr. Ludevit Peritch.  
Mr. Marko Bauer.  
Mr. Sveta Frantz.

## Siam:

Phya Prabha Karavongse.  
Phya Chanindr Bhakdi.

## South Africa:

Mr. H. Warrington Smyth.  
Mr. William Gemmill.  
Mr. Archibald Crawford.

## Spain:

Mr. J. Gascon (substitute for Viscount de Eza).  
Mr. Adolfo Gonzalez Posada.  
Mr. Alfonso Sala.  
Mr. Francisco Largo Caballero.

## Sweden:

Dr. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg).  
Senator R. G. Halfred von Koch.  
Senator Hjalmar von Sydow.  
Mr. A. Herman Lindqvist.

## Switzerland:

Dr. Hans Sulzer.  
Dr. Hermann Rufenacht.  
Mr. Dietrich Schindler.  
Mr. Conrad Ilg.

## Uruguay:

Dr. Jacobo Varela.

## TWENTY-THIRD SESSION—FRIDAY, NOVEMBER 28, 1919.

The conference convened at 10.10 o'clock a. m., Right Hon. G. N. Barnes (Great Britain), vice president of the conference, presiding.

The PRESIDENT. The meeting is called to order. The secretary will make announcements.

The SECRETARY GENERAL. Owing to the very close character of the vote that was taken yesterday on Mr. Jouhaux's motion, a recount was made after the sitting. The two lists were compared, and it was found that an error had been made in adding it up, and the figures should have been: For the motion 42, against 45, instead of 40 and 45 as was given out.

The governing body of the International Labor Office met yesterday for the first time. M. Arthur Fontaine, France, was elected permanent chairman. It was decided not to elect the director of the labor office permanently until the governing body had been fully constituted, but Mr. Albert Thomas, of France, was chosen to act as provisional director.

The PRESIDENT. I have to intimate, on behalf of the governing body, that we have a time table this morning, and my duty is to keep to that time table. It is as follows: The vote on special countries, 10.30; Mr. Jouhaux's motion, 11; employment of children, 11.45; report on white phosphorus, 12; report on maternity, 1.

The matter now before the meeting is the indorsement of the special commission's report on tropical and eastern countries.

Mr. GEMMILL (South Africa). Mr. President, referring to the time table which you have mentioned and the necessity of getting through the business as quickly as possible, may I ask a question in regard to a motion of which notice has been given, and in regard to which the non-European countries attach considerable importance? I refer to the notice of motion in regard to the composition of the governing body. May I ask, Mr. President, if an opportunity will be given to vote on that motion to-morrow or to-day?

The PRESIDENT. We can not do it to-day, Mr. Gemmill, according to the schedule already laid down, but it will be done to-morrow morning.

Mr. JOSHI (India). Mr. President.

The PRESIDENT. Mr. Joshi, may I say the conference has accepted the time table, and automatically the closure comes on you at half past 10.

Mr. CRAWFORD (South Africa). On that point, might I just formally lodge a protest, not only on my own behalf but on behalf of others who are not here. I did not see this bulletin until I came here. It is a little unfair that this information has not been earlier in the hands of the delegates.

The PRESIDENT. I am in the same position as Mr. Crawford. I could foresee this a few days ago.

Mr. JOSHI (India). I would like to make a few remarks on the motion for the adoption of the report of the commission of special countries regarding the question of hours of work. Mr. President, I have written out my remarks, and if the conference has no objection it can be put in as it is and it will save time.

The PRESIDENT. That is a very sensible suggestion, that Mr. Joshi's observation should be taken and put upon the record, and with that in mind he has no desire to address the meeting. Is that agreed?

### STATEMENT PRESENTED BY MR. JOSHI.

Mr. President, I would like to make a few remarks on the motion for the adoption of the report of the commission on special countries regarding the question of the hours of work.

At the outset it is my duty to explain that personally I do not approve of the idea of excluding India altogether from the main convention on this question to be applied to western countries. I believe that even if the hours of work in Indian factories be reduced to 48 a week the Indian workers will produce during that period what they are expected to produce in a week of 60 hours. But I recognize that the country as a whole may not support this view, and moreover, as the object of this conference is not merely to give us an opportunity to express our personal views but to achieve some tangible results, I have for practical considerations temporarily agreed that India may be regarded as a special country for the present and the convention about the hours of work may be applied to her in a modified form.

After having thus explained my position it gives me great pleasure to state that regarding the hours of work in factories in India the commission has arrived generally at a satisfactory result, inasmuch as they have proposed to reduce the working hours from 72 a week to 60 a week, and I congratulate the Government delegates from my country upon their very willingly putting forward this proposal. I should have liked if the commission had agreed to fix a maximum limit of 10 hours for a day's work. But that is a small point considering the result achieved.

But while I generally approve of the main proposal I wish to state that the commission could have dealt with the workers of India in a more generous manner in some smaller matters than they have done.

First. I should have liked if the commission had permitted the application of the principle of the 60-hour week to a wider field by including in the term "factory" an industry working with some mechanical or electrical power and employing not less than 10 men.



At present in India the minimum number of workers necessary to constitute a factory is 50; but the Provincial Government has power to lower this limit to 20. In the case of some classes of factories this power has been exercised by two Provincial Governments. Therefore the proposal to reduce the limit to 10 is not a very sudden reduction. The only objection that was taken to my proposal was that the Government had not sufficient information about the smaller factories. But as the commission has accepted the view that India is not yet industrially developed the number of factories employing power can't be very great and no extensive and prolonged inquiries are necessary to secure information about them.

Second. I should have liked the commission to reduce the number of hours of the employment of women in factories from 60 to 54. The argument used against this proposal is that in western countries no distinction is made between women and men as regards their hours of work. But we must remember that in western countries the hours for both men and women are shorter and therefore the conditions are not similar. Moreover, I may make bold to say that in India women have to do more domestic work besides the work in the factory than in western countries. According to the proposed convention the hours of work of men have been reduced from 72 to 60, i. e., daily 2 hours less. The present weekly hours of work for women in India are 66 and if we give them the benefit of similar reduction their hours of work must be lowered to 56, as I suggest. You will agree with me that women employed in factories deserve not only equal but greater consideration at the hands of this conference. Let the factory women in India reach the western standard of the hours of work a little earlier than men.

Third. I should have liked the commission to consider the question of the hours of work of children under 16. But the commission ruled it out of its scope. The Oriental subcommittee of the commission on children's employment also declared the question out of its scope and thus the question of the hours of children's employment is neglected altogether. At present in India children under 16 work for 36 hours in textile factories and 62 in other factories, and I would only propose to reduce the hours to 30 a week. I hope you will remember that in western countries and in Japan and Asia, children under 16 are not to be allowed to work at all, and therefore I shall not be asking too much if I ask to have the hours of children under 16 reduced only to 30.

You will thus see that the changes which I should have liked the commission to introduce in their report are very reasonable and could have been safely adopted.

But as you are all anxious to get through the work of the conference as early as you can, I postpone the consideration of the questions mentioned in my amendment till the next year's meeting of the conference in the firm hope that they will then receive very sympathetic consideration.

The PRESIDENT. Is there any further talk on the eastern commission's report?

If not, I would thank some one for a proposition that would be accepted either singly in regard to India or as a whole block.

Mr. KERSHAW (India). Mr. President, I suggest that the report be put to the conference as a whole.

The PRESIDENT. Mr. Kershaw moves that the report be put as a whole and you will observe, gentlemen, that there is a supplementary report in the report of Tuesday's proceedings, at page 362 [Provisional Record], in regard to Greece and Roumania.

Is there a seconder to that?

Mr. GEMMILL (South Africa). I second the motion.

Mr. ORGHIDAN (Roumania). I second Mr. Kershaw's motion.

The PRESIDENT. May I take a vote, gentlemen, on the adoption of the whole report?

I understand Mr. Carlier to say there was a motion put in yesterday bearing on this matter. If so, may we have it now? It is not here.

Mr. SAMPAIO (Brazil). I proposed yesterday a motion asking Mr. Fontaine to include in his scheme article 9 with the modification that I proposed.

The PRESIDENT. As applied to what, sir?

Mr. SAMPAIO (Brazil). I sent my motion to the Secretary General.

The SECRETARY GENERAL. This is the motion:

The case of countries where climatic conditions, incomplete development, or other special circumstances modifying essentially the productiveness of the workers should be inquired into by the special conference which is to examine the problems of sea transport or by next year's conference.

The PRESIDENT. That has no application to the matter in hand. The sea conference is to discuss sea and inland waterways and nothing else. Consequently, I rule that out of order. May we have a vote, please, on Mr. Kershaw's motion, seconded by Mr. Gemmill?

Mr. SAMPAIO (Brazil). May I ask you to take up my motion?

The PRESIDENT. This is not the time. It is regrettable that we have gotten into a little bit of a knot in regard to this question. My duty is perfectly simple. We are now discussing the special commission's report, and I want the conference to confine its attention to that. In regard to the other matter, it may come up some time—I don't know—but at all events now is not the time, and if any proposition of that character is put, in regard to referring this matter to the sea conference, I should have to rule it out of order, whenever it came up.

Mr. SAMPAIO (Brazil). The maritime conference or the next conference?

[Cries of "Order!"]

Mr. SAMPAIO (Brazil). May I ask the chairman if Brazil is included among the special countries?

The PRESIDENT. No, sir; it is not; because there was no application. All the countries that claim special consideration were given that special consideration. Brazil having failed to make any application—

Mr. SAMPAIO (Brazil, interrupting.) We were not here. I explained that yesterday.

The PRESIDENT (continuing)—is therefore outside the scope of our present discussion. Now, I think that is perfectly clear.

Now, is this—

Mr. SAMPAIO (Brazil, interrupting.) May I ask whether I may submit a proposition?

The PRESIDENT. I think you may submit a proposition to-morrow morning, sir, but not now.

Mr. SAMPAIO (Brazil). To-morrow morning? Thank you very much.

The PRESIDENT. As I say, Brazil made no special application, so far as I know. Brazil is included in the South American tropical countries. That being so, it seems to me that you are, in a sense, covered; but if you are not satisfied, wait—

Mr. SAMPAIO (Brazil, interrupting.) It is only that that I ask you. If you tell me that, I am satisfied.

The PRESIDENT. All right. Thank you.

Mr. SAMPAIO (Brazil). Well, I want you to say officially.

The PRESIDENT. Well, I have just said so.

Mr. SAMPAIO (Brazil). That is what I want.

The PRESIDENT. May we have a vote, please? All those in favor of the adoption of the report on eastern countries will please signify by holding up their hands.

[Votes counted.]

Those against the adoption of the report will please signify by raising their hands.

[Votes counted.]

I will have to declare that 67 have voted in favor and 2 against. Therefore, the whole report is now adopted, and I have to call upon Mr. Jouhaux to move his motion.

Mr. JOUHAUX (France). I do not consider it necessary to repeat our reasons for making our motion, and I hope, since we agree to substitute for the word "declare" the word "hope," that the vote will be unanimous on this question.

The PRESIDENT. I have not got the amended form of the resolution. Will Mr. Jouhaux please send it up.



Mr. JOUHAUX (France). Substitute the word "hope" for the word "declare."

The PRESIDENT. I understand Mr. Jouhaux refrained from making a speech, and inasmuch as the word "declare" has been dropped out and the word "hope" put in, he suggests that that might be accepted now by the conference without discussion. May I say that I think that is a very sensible suggestion and will give a little more time for those subjects that have still to be discussed, that is to say, children, white phosphorus, and maternity. Mr. Nolens.

Mgr. NOLENS (the Netherlands). Mr. President, it is true, especially now that the word "hope" has been substituted for the word "declare," that we are only expressing a request, a desire, a wish, less than that, a hope, but I think that there are perhaps nations, and possibly employers—not among those here present, naturally—for whom it is not superfluous to express this wish and to remind you that what we give here we must not withhold in some other way.

I desire to state that I shall vote for this motion, especially because if it is not accepted by this conference the inference will be drawn that the conference desires the opposite, which is not the case, absolutely not. It is for that reason, Mr. President, after these few words which, I am sure, you will not take amiss, that I express the hope that the conference will vote for the motion.

Mr. CARLIER (Belgium). Gentlemen, I merely wish to say on behalf of my fellow employers that, since the motion has been corrected or amended as desired by Mr. Jouhaux, as has just been said, we give our full approval to it, in the spirit expressed by Mgr. Nolens.

The PRESIDENT. May we take it now as unanimously accepted? All those in favor will please signify it, as a matter of form. [Hands raised.] Those against. [None.] I have to declare it carried unanimously.

Sir Malcolm Delevingne will now submit the report about children.

Sir MALCOLM DELEVINGNE (Great Britain). It will not be necessary for me to make any lengthy remarks on the report of the commission on the employment of children, with regard to the employment at night of young persons below the age of 18 years, for this reason: That the commission arrived at a unanimous conclusion on all the important points. It is very satisfactory that we were able to come to a unanimous conclusion in favor of the general proposition that employment at night should be prohibited for young persons up to the age of 18 years. That was an advance of two years on the limit which was adopted at the Bern conference in 1913.

The PRESIDENT. Might I make an appeal to the conference to sit down and keep in order? It is impossible for a person to be heard while conversation and moving about are going on.

Sir MALCOLM DELEVINGNE (Great Britain). The chief difficulty that the commission had to consider was the question of the special treatment which was asked by Belgium and other countries for the regions which have been devastated by the war, and the regions in which employment had been for a long time suspended, owing to the occupation of the armies of the enemy. The commission have tried to solve this difficulty by suggesting to the conference that the consideration of that special question should be deferred for a period of two years, until some experience had been obtained as to the progress made with the work of reconstruction. There was a general feeling, I believe, in the commission in favor of some special treatment. But we also felt that it was impossible at the present moment to decide what that special treatment should be. The commission had therefore recommended that the consideration of that matter should stand over to the International Labor Conference of 1921, and that the final decision should then be taken on the point. I wish only at this moment to place on record the feeling of the commission that some special treatment should be accorded. What that special treatment should be will be a matter for further consideration, and words have been inserted in the draft convention to insure that the matter comes up for decision at the conference of 1921. I think I need say nothing further on the proposals

in the commission's report. There are only two amendments on the paper to the proposals of the commission, and perhaps I may be allowed to assume that, except for those two points, the proposals of the commission meet with general approval.

May I say a word as to the two amendments which have been placed on the paper? One is an amendment to be moved by the Government delegate from South Africa, in favor of adding to the exceptions which are allowed in certain continuous industries for young persons between the ages of 16 and 18. The amendment proposed is to add the words, in article 3 of the convention, "gold mining reduction works." The Government delegate from South Africa has handed me a memorandum in which he explains the reasons for his amendment. The case is that the stamp batteries in the reduction works run both by day and night, on a system of three eight-hour shifts, 3,000 men with 300 apprentices being employed in these shifts, and the work being necessarily continuous. On those facts the exception proposed stands on the same footing in all points as the exceptions which the commission decided to recommend; and I think I am justified in saying that if they had had that particular industry, which is peculiar to certain countries in the world, if they had had that proposal before them, they would have recommended its adoption.

The other amendment is in the name of the Government delegate from Sweden. He proposes to add, in article 4, the words, "in case of serious emergency." Paragraph 4 reads at the present time:

The prohibition of night work for young persons over 16 years of age may be suspended—

(a) If the State or public interest requires it.

The amendment would make paragraph (a) read:

If in case of serious emergency the State or public interest requires it.

I am prepared, for myself, to accept that amendment, and I believe it would have been accepted by the commission if it had been proposed to them. It expresses what was the intention of the commission. The commission was not wholly satisfied with the words which they had before them. Those words were settled at the Bern convention of 1913 and seemed to the commission to be lacking in precision. They felt it undesirable, however, to attempt to modify the clauses of the Bern convention further than was absolutely necessary, because they hadn't sufficient time to make a thorough examination of the subject. I think the words which the Swedish delegate proposes to move are an improvement and that they should be inserted.

If it would save time, I would propose to the conference to adopt the proposals in the commission's report, with the two amendments which I have read. If that is in order, Mr. President, I move now that the proposals of the commission be adopted with the two amendments which have been placed on the paper; that they be referred to the drafting committee to put into the shape of a draft convention.

The PRESIDENT. Do you speak on behalf of the commission in accepting these two amendments, Sir Malcolm?

Sir MALCOLM DELEVINGNE (Great Britain). What is that?

The PRESIDENT. Are the two amendments accepted by your commission?

Sir MALCOLM DELEVINGNE (Great Britain). I can not say that they are accepted by the commission, but I think they are in accordance with the spirit expressed by the commission in its report; and, personally, I am prepared to accept them, and if it will save time I move that the proposals in the report be adopted with the two amendments.

The PRESIDENT. Including the two amendments?

Is there any further discussion, Mr. Baldesi?

Mr. BALDESI (Italy—remarks in Italian): I rise to speak on this question so as to fulfill my duty to the last, but without much hope of having the motion accepted. I find that in the proposals for young people under 18 years of age, there is talk of working in shifts, and that the shifts are to begin at 4 o'clock in the morning.



We face the same kind of proposal as was made in the case of work for women. In that case, also, it was proposed that the work by shifts should begin at 4 o'clock in the morning, and here the same proposal is made for young people under 18 years of age. The speaker wonders whether, in a body like this, which is here to make international regulations for labor, it can support a motion by which young people will have to be getting up at 3 o'clock in the morning in order to get to their work.

As a matter of principle I am not opposed to the system of working shifts. On the contrary, I see in the system of work by shifts the possibility of reducing the hours of labor without interfering with production by means of work in two shifts, but if this work in two shifts is to mean that the workers would be required to be at their work at 4 o'clock in the morning, then may I ask, is this not contrary to the requirements of social hygiene?

I therefore suggest the striking out of that paragraph which says "In the case of work in two shifts the first shift may begin work at 4 o'clock in the morning."

The PRESIDENT. The proposal of Mr. Baldesi refers to the second paragraph of article 2 relative to the prohibition of night work of young persons. It reads as follows:

In industries in which work is divided into two shifts the first shift may begin at 4 a. m. and the second may finish at 10 p. m., or the first shift may begin at 5 a. m. and the second may finish at 11 p. m.

The proposal of Mr. Baldesi is that that should be deleted. Is there a second?

Mr. MERTENS (Belgium). Yes.

The PRESIDENT. Seconded. May I take a vote?

Sir MALCOLM DELEIVINGNE (Great Britain). Mr. President.

The PRESIDENT. I think Sir Malcolm Delevingne has a right to reply.

Sir MALCOLM DELEIVINGNE (Great Britain). May I say one word in explanation? This clause was inserted to meet the case where the national law requires that a longer period of rest should be allowed during the course of the shift. In Belgium and possibly in other countries, a period of one hour's rest is required in the course of the eight-hour shift. In most countries, I think I am right in saying, the usual period is half an hour. The commission thought it undesirable to take any steps which would compel the Belgian Government to reduce the period of rest in the course of the shift. This provision is simply inserted to allow the continuance of a system which seemed to the commission to be a good one.

The PRESIDENT. The proposal is the deletion of the second paragraph of article 2 as I have just read, proposed by Mr. Baldesi. All those in favor of the deletion as proposed by Mr. Baldesi, please signify.

[Votes counted.]

Those against the deletion.

[Votes counted.]

I have to declare the deletion carried by 38 to 32.

I shall put the convention as a whole, with the insertion of the following changes: At the end of article 3 insert the words "gold-mining reduction works," and make subsection A of article 4 read "if in case of serious emergency the public interest requires it." Sir Malcolm Delevingne has accepted both amendments as I have just read, and now I am putting to the vote the convention, including the two amendments.

Shall we take a vote, gentlemen?

Mr. SMYTH (South Africa). Yes; a vote.

The PRESIDENT. All those in favor of the adoption of the convention with these two additions, please signify in the usual way.

[Votes counted.]

All those against, please.

[Votes counted.]

Sixty-five have voted in favor and one against; but now, before I declare the motion carried, I think it is only right to say that the French delegates have said that they were under a misapprehension in the previous vote; they voted in one way, thinking they were

voting in another. It would not make any difference in the result, so I do not think it is worth while going back to it now. Then I will declare that carried.

Now we will take the white phosphorus in match factories. You will find it on page 62 of the blue-book report. It is a very simple matter, and I will now call upon Sir Malcolm Delevingne to put it.

Sir MALCOLM DELEIVINGNE (Great Britain). Mr. President, I move the following resolution, which has been circulated to the conference this morning:

That this conference recommends to all members of the International Labor Organization which have not yet done so that they should adhere to the international convention, adopted at Bern in 1906, on the prohibition of the use of white phosphorus in the manufacture of matches.

A full statement as to the position of this matter is contained in the report of the organizing committee, which has been before the conference, and I would like that the conference, without further words, adopt this proposal.

The PRESIDENT. Sir Malcolm Delevingne proposes that the resolution be adopted as read to you. I hope his suggestion will be accepted; but Mr. Butler has some statements to make first.

Mr. FONTAINE (France). I second Sir Malcolm Delevingne's motion.

The SECRETARY GENERAL. I addressed a letter to the delegates of the countries which have not adhered to the convention and perhaps it would save time if I gave a summary of the replies which I have received. The Portuguese Government says that they have not yet been able to adhere to the convention, for the reasons that they have given to the conference, namely, that they are bound by a contract for 30 years, granting a monopoly in the manufacture of matches. This contract does not expire till 1925. At the same time the manufacture of matches with white phosphorous has been reduced more and more, and the Government hopes to be able to come to an agreement with the company in question before the end of the contract, which will enable it to adhere to the Bern convention.

The Belgian delegation states that a law ratifying the convention has been voted in the Belgian Chamber within the last two months.

The Argentine Government is prepared to adhere to the Bern convention.

The Swedish delegation state that at the coming session of the Swedish Parliament the Government will propose that Sweden adhere to the Bern convention.

The Polish delegation state that the Polish Government is willing to adhere.

The Peruvian Government makes the same statement.

The Government of Guatemala is also prepared to adhere.

The Czecho-Slovak Republic has ratified the convention by an act passed on October 28, 1918.

The Indian Government state that they have requested His Majesty's Government to give formal notice of the adhesion of India to the Bern convention.

The PRESIDENT. May we take a vote for and against the motion of Sir Malcolm Delevingne, seconded by Mr. Fontaine?

All those in favor please signify in the usual way.

[Votes counted.]

Are there any against? Then I will have to declare it carried by 83 and none against.

We have reached the last item on the agenda, and I am very glad to say that we have reached it three-quarters of an hour inside of our time.

The report will be submitted by Miss Constance Smith.

Miss CONSTANCE SMITH (Great Britain). Mr. President, I shall make the remarks I have to offer as few and as brief as is consistent with clearness. It is not necessary for me to traverse again the ground covered in the written report preceding the draft convention which is before you. But there are one or two points which I should like to emphasize. One is the unanimity of the committee on women's employment, with regard to the great fundamental points of prohibition for



a period of six weeks after childbirth, a permission to leave work for a certain period before childbirth, and that both these articles are framed on condition that there should be a maternity benefit carrying full and healthy maintenance for mother and child.

With regard to this benefit, I would ask your special attention to the fact that the committee has not attempted to fix any sum, nor even any proportionate standard as regards wages. The committee, both by its subcommittee and in full session, discussed that question of fixing a standard very carefully, and, I may say, exhaustively. They came to the conclusion that, in view of the different conditions prevailing in different countries, it was impossible to fix an actual monetary standard and that, in view of the further fact that many women workers are underpaid, to assign to the mother during the period of compulsory unemployment a sum equal to half or two-thirds or even the whole of her wages might be a very dangerous and unsatisfactory proceeding. They have, therefore, deliberately left to the Government of the State to fix what the amount of this indemnity, this benefit, shall be, only laying down the fundamental condition that it shall be an adequate maintenance for the mother and child.

The commission has also left to each State the method by which a payment shall be made. There was considerable discussion as to whether this duty should be placed directly on the State and on the State only, but the commission decided, not unanimously but by a considerable majority, that seeing that many States have already a system of insurance which includes maternity insurance, to require them under this convention to change their system of payment of maternity benefit was to put too great a demand upon them at this moment. Therefore, the decision of the commission again was deliberate, to leave the method of payment open, as regards the two alternatives of State direct payment or payment by means of a system of insurance. One or two of the States not directly represented on the commission have expressed a hope that the State might be allowed, in the case where it did not pay directly itself, to delegate the payment to such an intermediary as the municipal authority. This, however, is only an expression of desire, and we have not inserted anything in the written report with regard to it.

This wish was particularly put forward privately to the chairman and secretary by the representatives of Denmark, and I wish to report the expression of their wish to the conference.

You will have observed that there is a minority report put in by a group of the employers. In the first half of that minority report the group which has put it forward proposes to return, as regards the period for permission to leave work before childbirth, to the original proposal of the subcommittee, which was for four weeks but was afterwards raised to six weeks in full committee. I think I need not say anything further on that than that the minority report will be moved by Mr. Edstrom, who will give you his reasons for bringing it forward.

Therefore, I can at once conclude, but in doing so I would like to tell the conference that in this commission we have been exceedingly conscious of the gravity of our task. The chairman certainly has been much impressed by the spirit in which the subject has been considered; that whether proposals or arguments came from the employers, from the workers, or from the Government delegates who were members of the commission, they were conceived and expressed in a spirit of earnestness and good will and serious desire for advancement in this most important matter, which is full of hope and encouragement. There was a very strong sense that in discussing this subject we were not discussing a question or an interest which was of importance for the employers in this way or for the workers in that way, but a question which, for every country there represented and for the countries which were not directly represented, was one of the deepest national and racial importance, and that we must use, therefore, our best endeavors and our highest efforts to arrive at an agreement which should mean a great step in advance in protection of mothers and children. I trust that it is in this spirit also that the conference will consent to consider and to adopt the report. [Applause.]

The PRESIDENT. There is a minority report, and I am going to call upon Mr. Edstrom to speak on that minority report. It has reference to article 5, and therefore is taken somewhat out of the order of the amendment, but I think that is in accordance with our previous practice to give priority to a minority report.

Before calling upon Mr. Edstrom, let me say further that I have on the table about six amendments, and therefore I would appeal to the speakers on the first amendments to be as brief as possible so as to get through the whole lot of them, if possible without discussion. Mr. Edstrom.

Mr. EDSTROM (Sweden). Mr. President, ladies, and gentlemen, in presenting the minority report I wish to point out that it is backed up by a strong minority, as it is signed by not less than seven of the members of the commission.

The minority is entirely in conformity with the majority, with one exception, namely, the framing of article 5 of the convention. I wish to call attention to the fact that the minority does not deny the right of a working woman to leave her work on presenting a medical certificate to the effect that she is going to be confined. We do this, although many of us are in doubt as to whether it is wise to base factory laws on medical certificates. In fact, bad results have been obtained through such practice in certain countries. We can, however, not agree that a pregnant working woman shall have the right to leave her work as early as six weeks before confinement. We wish to point out that in no country, where such laws have been adopted, has a longer period than four weeks been allowed, and most of the countries allow only two weeks. Most medical experts on maternity also favor the idea that it is best for a working woman to continue her work as long as possible before childbirth.

As a rule working women have light work to do in factories, the character of work being especially suitable for women.

Now, ladies and gentlemen, we are here to adopt a new convention for maternity. Why make this new convention too radical? It will only make its adoption by the various countries difficult. Is it not better to make a moderate convention that all countries can adhere to?

We therefore move that the time in article 5 be put at four weeks. We also move that the second sentence in article 5 be omitted. It allows pregnant women the right to get benefits for a longer period than six weeks before childbirth, if the medical certificate has proved to be a mistake and the confinement takes place at a later date. We think that the clause brings in a state of uncertainty in the convention. The medical certificate is based mainly on the information given by the mother herself. If the mother gives wrong information the medical certificate is liable to be wrong. Thus the time of six weeks before confinement may be prolonged by several weeks. We think that the principal thing for the pregnant woman is to have a period of rest after childbirth of six weeks, as prescribed in article 1 of the new convention, and that the time of rest before childbirth, if the woman needs it, shall be put at a maximum of four weeks.

Mr. President, on behalf of the minority, I beg to say that we support the whole convention with the exception of article 5, which I move to be framed as I read now:

A woman shall have the right to leave her work in pursuance of a medical certificate stating that her confinement will probably take place in four weeks' time, and shall then be entitled to receive the benefits contemplated in article 7 below.

Dr. NAKAHARA (Japan). I second the motion of Mr. Edstrom. The PRESIDENT. Miss MacArthur.

Miss MACARTHUR (Great Britain). Mr. President, I rise to oppose the amendment to article 5 put forward by the minority. In the opinion of the majority of the commission, six weeks was considered to be the minimum period of rest to which a woman should be entitled before childbirth. It is necessary to point out that the effect of article 5 is not to prohibit a woman from working for six weeks before childbirth but only to allow her to leave work if she so desires, and to make arrangements whereby, provided she has a medical certificate that she is within six weeks of her confinement,



to make arrangements whereby she may be supported. Two things are necessary before article 5 can be operated. First, the woman must desire to leave work, and, secondly, the doctor must certify that she is, in his opinion, within six weeks of her confinement.

Mr. Chairman, I am exceedingly surprised at the terms of the minority report. We are told that in the opinion of doctors it is undesirable that women should cease work for six weeks before their confinement. If it is undesirable that they should cease work it must be desirable that they should be employed, therefore we may expect to see leisure women and the wives of employers going to work six weeks before their confinement in accordance with medical advice. As a matter of fact, no one seriously urges that employment in a factory is beneficial to a pregnant woman at any stage of her pregnancy, and I think perhaps unwittingly an injustice has been done to the doctor. I think that what the doctors do object to is that a woman should be prohibited from working for a long period before childbirth without any provision being made for her material support during that period. Obviously the doctor doesn't wish his patient to go hungry at any time and certainly not at such a time. Obviously a doctor does not desire a pregnant woman to be unnecessarily worried as to economic matters when she is about to bear a child, and I think that is the explanation of any evidence that has been given by doctors against a lengthy period of prohibition before childbirth.

Of course, it is urged that women should have the necessary exercise during that period, but it is not necessary to give medical advice to working women, that women should not be in a state of idleness during pregnancy. It is not working women who are in a state of idleness during pregnancy or any other time. The delegates must remember that a woman has work to do outside as well as in the factory. When the man comes home at night his day's work is done, he can sit down by the fire and read his newspaper, or dig in his garden, if he wishes to; but a woman's work is never done, and when she leaves the factory she usually goes home to begin a new day's work at home. At such a time especially there is plenty for the working woman to do. She has all kinds of preparations to make for the coming of her child. She has to prepare her house for the time of enforced idleness, she has to prepare clothes for the expected child; and I say emphatically that even if the woman is out of the factory, the working woman will be more occupied out of the factory than the average woman of the leisure classes will be occupied at the same time.

Now, with regard to the possibility of the doctor making a mistake, the amendment wishes to lay down not only that the period shall be reduced from six weeks to four but that if the doctor makes a mistake and certifies the woman a week sooner, she shall not be paid for that week. Well, I confess I consider the minority somewhat inconsistent.

First they say that the doctor considers it desirable that the woman should work, and then they say that the doctor may enter into collusion with the woman in order to release her from work at an even sooner period than the period stated. Mr. President, I happened to serve 18 months on a commission in England dealing with excessive sickness claims from working women. Every doctor of distinction in England gave evidence before that committee. Many doctors not of distinction gave equally valuable evidence. Organizations representing all the doctors in England—and in our country the doctors have a stronger trade-union than any trade—organizations representing all the doctors gave evidence, and it was the unanimous opinion of all the doctors that the excessive sickness claims of women were not caused by the anxiety of women to pretend to be ill, but that the excessive claims were caused because working women had made themselves seriously ill by going to work when they were not fit to work.

In my opinion there is no danger whatsoever that the women would enter into collusion with doctors to go away and receive the benefit at an earlier period. Of course there are fraudulent women and there are fraudulent doctors, but we do not desire you to penalize all the women because of the fraudulent minority. It is quite possible for

regulations to be made under this convention which would safeguard the validity of the certificates. Nothing could be more simple.

I hope very much the convention will reject this amendment. After all, we are taking a great step forward in this convention. I think it will be one of the greatest things that have ever happened if we can get all the countries of the world to take the steps laid down in this convention. It is not any question of employers' interests and workers' interests. This is no mere industrial or economic matter. This is a question of the future of the race, and I appeal to you not only to pass the convention but to reject this amendment.

We have a proverb in our country, "Don't wreck the ship for a ha'penny worth of tar," and I appeal to you not to wreck the convention, not to take away from the usefulness and wisdom of the convention, by accepting the amendment put forward by the minority. [Applause.]

The PRESIDENT. Judge Castberg.

Judge CASTBERG (Norway). Mr. President, I think it is not necessary to add many words to the excellent speech of Miss MacArthur in support of this proposal of the commission. I also think that the report that is laid before the conference here is of that kind that all friends of a wider protection of motherhood may be content with the step forward that is here proposed. This whole question is one which in the highest degree calls to the attention of all nations and Governments, especially after the war, with its tremendous loss of life, the fact that it will be one of the first duties to try to increase the birth rate and strengthen the health of children by an enlarged and thorough protection of poor mothers, before as well as after childbirth, and that it is necessary and practicable to begin with the working women in industries. The period of six weeks before childbirth, I will point out, is in conformity with what already has been provided in one of our children laws, which says that when a pregnant single woman is not able to maintain herself she may claim support from the municipal funds for the last six weeks before delivery. This support is regarded as a maternity benefit, not as poor relief. The period of six weeks was fixed as the result of the most careful investigation and discussion.

Then I also urgently recommend and second the report on this point, but in any case I think it would be most unjust if the woman should be the person who suffers if the physician makes a mistake. I can not believe that it can be said that it would be right in that case that the mother, the woman, should be the suffering party for this mistake of another person, of an unqualified doctor or midwife. If the amendment of Mr. Edstrom should be carried here—I hope it will not be—I wish to propose an amendment to this amendment. Mr. Edstrom's amendment has dropped the last sentence of article 5 in the report. If, in any case, Mr. Edstrom's amendment is carried, I think these words in the last sentence of Article 5 should be added, namely:

In any case where the medical adviser proves mistaken in estimating the date of confinement this fact shall not preclude the woman from receiving the aforesaid benefits from the date of the certificate up to that on which the confinement actually takes place.

I think I should have the right to have this amendment regarded as proposed, in case Mr. Edstrom's amendment should be carried.

The PRESIDENT. Miss Hesselgren, of Sweden.

Miss HESSELGREN (Sweden). The Swedish Government delegates are very well pleased to find that the draft convention of the commission follows the lines we have had the honor to propose to the commission. On one point, however, the draft convention goes further than we at present deem advisable and possible to get through. Six weeks' rest before confinement seems to us to ask too much. As far as we know, there are no medical statements proving it to be necessary, whereas four weeks asked for by the minority seems to us well founded and likely to cover all possible demands. Those few cases where a longer rest is necessary or needed belong no doubt to special circumstances and are founded on illness on the part of the woman. In case of illness she will undoubtedly be released from work and her benefit come from the sickness insurance.

The maternity benefit system ought to be built on the experience of normal cases. The question of maternity benefits, especially before confinement, is in most countries a quite new and startling idea.



The most important thing here is, to our minds, to draw up a convention that will have the best possible chance of being accepted by most countries. Therefore it is better not to ask for more than we can prove to be necessary.

As to the second part of this same article, we quite agree with the idea it champions, and we would like to vote for it, but as it seems to be difficult to find a way to fit it in with some of the present insurance systems, we think it would be better to leave it for further investigation, hoping that with more experience on this subject it will be possible to find a form that will fit into any system.

For these reasons, Mr. President, we shall vote for the minority report.

The PRESIDENT. Before calling upon Baron des Planches, might I remind the conference once more that I have still six amendments to take after this, and if the minority report is accepted there is an amendment of that; consequently there are seven. Therefore, I hope speakers will talk as briefly as possible. Baron des Planches is recognized.

Baron Mayor des PLANCHES (Italy). I shall be even more brief than the President himself. I simply desire to state that the Italian delegation supports the amendment of Judge Castberg, that it approves all the reasons which he has adduced in support of it. We are in favor of the principle of the six weeks. We protest especially against the idea that the mistake of a physician may prejudice the woman. That would be absolutely unjust and would be repugnant to our mind and feelings.

The PRESIDENT. Mr. Marjoribanks is recognized.

Mr. MARJORIBANKS (Great Britain). Mr. Chairman, I just wish to point out that in connection with this question----

Mr. JOUHAUX (France). I wish simply to state that I support the motion of Judge Castberg.

The PRESIDENT. I have Mr. Marjoribanks's name up, Mr. Jouhaux. Mr. Marjoribanks.

Mr. MARJORIBANKS (Great Britain). Mr. President, I wish to point out that when this question of the proposed draft convention was being considered in the full committee, four weeks was first of all agreed to. It was then referred to the subcommittee, who had to report on this article as well as on the other articles of the proposed draft convention. Again the four weeks was agreed to, and it was finally, only when the question was brought up in full committee, that the four weeks was altered into six weeks. I think that goes to prove that the feeling—at any rate, at first—was not very strong in favor of six weeks.

As regards the strength of the minority report, I should like to point out that this minority report represents a very large number of the members on the committee and scarcely can be called a minority report. There have, I think, two members of the commission left, and if that is taken into consideration this minority report represents fully one-half of the committee.

There is also one other matter of great importance in our opinion, and that is, if we are to obtain legislative effect to article 2, it is not wise to try to introduce a sweeping change which, so far as we can learn, is not in actual existence in more than one country and which is increasing the scope far beyond anything that is known in the large majority of countries that are present here.

The PRESIDENT. Now, ladies and gentlemen, I think we have had sufficient talk upon the majority and minority reports, and although the minority report has been moved and seconded as a separate proposition I think I shall be construing your wishes and acting for the convenience of all of us if I take now the amendments in their order from article 1; carrying that out, I have now to ask the Spanish Government delegates to move their first amendment, which is as follows: For the last paragraph of article 1 substitute the following:

In each country the competent authority shall determine the line of demarcation between industry and commerce on the one hand and agriculture on the other.

That, it is proposed, shall take the place of the last paragraph as it reads; the laws of each individual country shall define the line of division which separates industry from agriculture and commerce.

Mr. Posada, or Mr. Marin in place of him.

Mr. MARIN (Spain). The delegates of the Spanish Government appreciate the reasons thus far given for confining the resolutions of the conference to the application of the questions of labor to industry alone, postponing to a later meeting their application to commerce. But as for the subject now under discussion, we must take into account not merely the political and economic conditions of the working class, but more important conditions bearing on maternity and on the race. It is for this reason, the Spanish delegation points out, that there are laws in all countries, in Spain, in France, and elsewhere, which deal with woman's work in commercial undertakings before and after childbirth.

We request the conference to add to the draft convention presented by the committee after the words "industrial undertakings" the words "or commercial undertakings." Furthermore, in article 7, we request that the word "compulsory" be inserted in the phrase "a system of insurance." In order to be able to vote for the amendment presented by Mr. Jouhaux, that it shall be the duty of the State to pay the benefit in every instance, the word "compulsory" must be added. Without that, we think that the aim of the draft convention will not be attained. In the different amendments which we have presented, the delegates will see that we have touched only upon details of the wording. Aside from that, I say that we shall vote for the draft convention and we request you to add the phrase "or commercial undertakings."

The PRESIDENT. While the interpreters are getting the hang of this let me say that I hope if there are any further Spanish speakers who can speak French, they will put their speeches in French and save the time of the conference.

May we have a vote, gentlemen?

Miss CONSTANCE SMITH (Great Britain). May I say that the question of the inclusion of commercial workers was fully considered in the committee and it was agreed there as it was agreed in other committees that it was impossible at this time to propose extension of the convention to commercial workers, as that would raise very large and new questions which had not been studied, and therefore the restriction to industrial workers, as in other committees, was a deliberate and considered decision of the committee.

With regard to the proposal for the introduction of the word "compulsory," in article 7, I believe that I speak in the name of the committee when I say that we have no objection to the introduction of that word.

With regard to the last proposal on the paper, I think it is sufficient to point out that this is an entirely new proposal, one which has never been raised, as far as I am aware, in any country or legislature so far, and it seems, therefore, impossible for us to consider it at this stage.

The PRESIDENT. I am now going to ask for a vote upon the propositions of the Spanish delegates down to article 3. Then Mr. Jouhaux has an amendment on article 4, and we will take that afterwards. The first amendment is to substitute for the last paragraph of article 1, which reads as follows:

The laws of each individual country shall define the line of division which separates industry from agriculture and commerce.

The substitute for that is:

In each country the competent authority shall determine the line of demarcation between industry and commerce on the one hand and agriculture on the other.

It seems to me the difference is very small between the two.

All those in favor of the substitution of the words as I have just read for the last paragraph of article 1 will please signify.

[Votes counted.]

Those opposed.

[Votes counted.]

Thirty-seven have voted in favor and 31 against. Therefore I have to declare it carried.

The next is in article 1, which as a matter of priority ought to have come before the one that you have just voted, but I am putting them in the order in which they have been put to me. In article 1, subsection (b), it reads:

Industries in which articles are manufactured, altered, repaired, ornamented, finished or adapted for sale.



It is proposed to add the words after that—  
and for commercial sale.

All those in favor.

Mr. ROWELL (Canada). Is the proposed change in harmony with the definition of industrial establishments already adopted in the other conventions? It does appear to me that it is very important to preserve the same definition throughout. I should like to ask that question: Does the proposed amendment bring this in harmony with the other conventions or does it make it different from the other conventions?

The PRESIDENT. It makes it different from the other conventions, Mr. Rowell. That is the essential feature about it. The other conventions include industry, and by the insertion of these words you are now going to add "commerce" to "industry."

All those in favor of the insertion of the words please signify.

[Votes counted.]

Those against, please.

[Votes counted.]

Thirty-five have voted in favor and 41 against; therefore it is lost. [Applause.]

The next amendment embodies exactly the same principle. It is to insert in line 3 of article 2, between "industrial" and "undertaking"—the words "or commercial," so that that would insert again the words having relation to commerce and add commerce to industry. This change is in article 2, the third line.

Mr. EDSTROM (Sweden). Mr. President, I beg to say that if the majority of this conference puts in the word "commercial" in article 2, I want to put into the minutes a protest against this, because commercial workers are not included, or commercial people are not included in the peace treaty, and it is against the peace treaty to put in the word "commercial" in such a clause as that.

The PRESIDENT. Now, let us be clear. It has been suggested that by one vote you put commerce in and by the next you took it out. That is not so. By the first vote you simply decided that competent authority should take the place of law; that is all. By the second vote you decided against putting commerce in. Now, it is proposed again that you put commerce in, and having decided once not to put it in I take it you will keep to that vote.

Mr. CASTIGLIONE (Italy). I don't want this conference to be left, after the words of the gentleman who has spoken, with the impression that in the peace treaty there is a limitation and demarcation between industrial wage earners and other kinds of wage earners. In Paris we spoke of wage earners without any distinction. We formally voted that this International Labor Organization be for the protection of all kinds of wage earners and not limited to industrial wage earners.

The PRESIDENT. May we get on, gentlemen? We have still five amendments. One of them is very important—that to delete clause 8. May we take a vote on the insertion of the words "or commercial" in the third line of article 2?

All those in favor of the insertion of these words will please signify by raising their hands.

[Votes counted.]

Those against.

[Votes counted.]

Forty have voted in favor and 43 against; therefore it is lost.

The next proposition is the consideration of article 3. All those in favor of deleting article 3 will please signify in the usual way.

Mr. JOUHAUX (France). I propose a substitution in article 2; that is, I add the words:

In the present convention the term "woman" shall apply to every woman, without distinction of nationality.

I request this addition, considering that it is a question of a broad social law, and it would not be understood if this phrase were not used in this article. I do not wish to analyze the question further, for I consider that it must commend itself to the judgment of everyone and that enlightened minds will inevitably adopt it.

Mr. CRAWFORD (South Africa). Mr. Chairman.

The PRESIDENT. Well, this is getting back on article 2 that I thought we had passed; but inasmuch as I had not put article 2, but only the amendment to article 2, it does come within order. The proposition now is to add the words "or nationality" after the word "age," so that article 2 would read:

Throughout this convention the term "woman" means every woman, without distinction as to age or nationality.

Mr. CRAWFORD (South Africa). I want only to suggest that Mr. Jouhaux should not move an amendment of this kind without giving a better explanation as to the reason why he moves such an amendment. It seems to me to be unnecessary to insert the word. But if it is inserted it might be taken to mean, in the country from which I come, without respect to any degree of civilization. There are women in South Africa belonging to the native tribes for which the performance of the function such as is under consideration to-day is not a matter of hardship or difficulty at all. They belong to a different stage of civilization entirely, and this conference has taken into view the highest form of civilization, and I think if this word is going to be included, that there should be some explanation given or some reason given why it should be particularly inserted, because I think it is understood to include "nationality" as it stands at the present time.

The PRESIDENT. May we have a vote, gentlemen, on the insertion of the words "or nationality"? Please signify in the usual way. Those who are in favor.

[Votes counted.]

Down, please. Those against.

[Votes counted.]

The vote is 29 for and 5 against; therefore I have to declare it carried.

The vote is on the deletion of article 3. Those in favor of the deletion of article 3 please signify.

[Votes counted.]

The motion to delete has been lost.

You are now called upon to vote upon the motion of Mr. Jouhaux, who has moved the following substitution for article 4:

Women wage earners shall not be employed during the six weeks immediately following delivery, and during this period of rest they shall receive indemnity in accordance with the article below

And then further—

The benefit mentioned in article 5 shall be paid by the Government.

Mr. JOUHAUX (France). I do not consider it necessary to make any lengthy explanations of the reasons which are the basis of this amendment. We have introduced into the text a general term concerning women, and that corresponds to our general feeling that commerce can not be excluded from a convention which bears upon the situation of women, for we do not wish to forget at this moment that the majority of women are employed in commerce, and that, consequently, to adopt a convention which would apply only to women employed in industry would be adopting a convention applying to only one-third of the female workers, and would be leaving two-thirds of the working women entirely without the scope of the present convention. It is somewhat puerile and somewhat arbitrary to claim to be protecting maternity when we leave two-thirds of the women outside of the scope of the conventions providing for the safety of maternity.

We have spoken here of the expert opinions of physicians. We could also cite the opinion of medical specialists on these questions, and there is not a single one who does not affirm that standing is much more dangerous for a pregnant woman than the sitting position which they occupy in industry. That it is not only dangerous for them, but equally dangerous for the child which is to be born. In the majority of cases, children borne by women engaged in standing work weigh less than those borne by other women, and consequently, these children have to endure all their life the results of the unhealthy conditions under which they are brought forth. Hence, not only will your convention have failed to protect the woman during maternity but neither will it have guaranteed the normal development of the child, which is even more important.



For these reasons we call for the adoption of the amendment which we have presented, fully persuaded that otherwise the convention would be puerile and ineffective. [Applause.]

The PRESIDENT. Are you ready to vote, gentlemen?

Mr. SMYTH (South Africa). Yes.

The PRESIDENT. The proposition is to submit the article as suggested by Mr. Jouhaux for article 4 as printed; and, so far as I can see, the essential thing about it is that the Government instead of the employer shall be held liable.

All those in favor of Mr. Jouhaux's motion please signify.

[Votes counted.]

Down, please. All those against please signify.

[Votes counted.]

Forty-two have voted in favor and 26 against; therefore I have to declare it carried. [Applause.]

Now we come to the minority report, which proposes that instead of clause 5 we inclose the following:

A woman shall have the right to leave her work in pursuance of a medical certificate stating that her confinement will probably take place in four weeks' time, and shall then be entitled to receive the benefits contemplated in article 7

Mr. PAUS wants to say something on this point.

Mr. PAUS (Norway). Mr. President, I think it may be misunderstood what the Norwegian Government delegate, Judge Castberg, said about the time before confinement. He said that the women in Norway can get benefits of maternity insurance for six weeks before confinement. That is right. But I want to explain that this does not mean that the woman has the right to leave her work six weeks before confinement. In our factory law in Norway it is decided that a working woman has the right to leave her work in pursuance of a medical certificate stating that her confinement will probably take place in four weeks.

The PRESIDENT. Judge Castberg.

Judge CASTBERG (Norway). There is a contradiction between these things, Mr. President. I said that in one of our child laws it is said that when a pregnant, unmarried woman is not able to maintain herself, she may claim support from the municipal funds for the last six weeks before delivery.

The PRESIDENT. Now, I am going to ask for a vote. All those in favor of the minority report as against the majority will please signify by raising their hands.

[Votes counted.]

Down, please. Those against.

[Votes counted.]

Fifty voted against and 27 in favor; therefore it is not carried.

There is nothing on article 6.

It has been suggested that I ought to put article 6 to the meeting. That is quite right.

All those in favor of article 6 as it stands, please signify in the usual way.

[Votes counted.]

Down, please. Are there any against? That has been carried.

It is proposed that article 7 shall read:

The benefits named in articles 4 and 5 shall be paid either by the State or by means of a compulsory system of insurance.

Well, you have decided that it would be paid by the State. Is it worth while to proceed with that?

Mr. ROWELL (Canada). What is the argument in favor of inserting the word "compulsory"? Some of us are in doubt as to whether we should vote on this. Is there any reason why it should be compulsory?

The PRESIDENT. There might be a great deal said about it, but it must be said at another time. We have reached 1 o'clock. Therefore, in accordance with the instructions given me and in accordance with the statement I made at 10 o'clock, this meeting stands adjourned. When you will take up 7 and 8 is a matter for the consideration of those who are to determine procedure.

We now adjourn.

[Whereupon, at 1 o'clock p. m., a recess was taken until 2.30 o'clock p. m.]

The following delegates were present:

- |   |  |
|---|--|
| Argentina:  | Italy:   |
| Dr. Leonidas Anastasi.  | Baron Mayor des Planches.                                |
| Dr. Felipe Esplá.   | Dr. G. di Palma Castiglione.                             |
| Mr. Hermenegildo Pinl.  | Comm. E. Baroni.   |
| Mr. Americo Balino.   | Mr. Gino Baldesi.  |
| Belgium:  | Japan:   |
| Mr. Julin (substitute for Mr. Michel Lévie).                    | Mr. Fikichi Kamada.                                      |
| Mr. Ernest Mahaim.  | Dr. Minoru Oka.  |
| Mr. Jules Carlier.  | Mr. Sanji Muto.  |
| Mr. Cornille Mertens.   | Mr. Uhei Masumoto.                                       |
| Brazil:   | Netherlands:   |
| Mr. Afranio de Mello Franco.                                    | Mgr. W. H. Nolens.                                       |
| Mr. Carlos Sampaio.   | Mr. G. J. van Thienen.                                   |
| Mr. Fausto Ferraz.  | Mr. J. A. E. Verkade.                                    |
| Canada:   | Mr. J. Oudegeest.  |
| Hon. Gideon D. Robertson.                                       | Nicaragua:   |
| Hon. Newton W. Rowell.  | Señor Don Ramon Enriquez.                                |
| Mr. S. R. Parsons.  | Norway:  |
| Mr. P. M. Draper.   | Judge Johan Castberg.                                    |
| Chile:  | Judge I. M. Lund.  |
| Mr. Gustavo Munizaga Varela.                                    | Mr. G. Paus.   |
| Mr. F. N. del Rio.  | Mr. J. Teigen.   |
| China:  | Panama:  |
| Mr. Wellington Koo.   | Mr. Andres Mojica.                                       |
| Mr. Yung Kwai.  | Mr. Jorge Luis Paredas.                                  |
| Mr. Lingoh Wang.  | Mr. Frederico Calvo.                                     |
| Colombia:   | Mr. Jose Antonio Zubieta.                                |
| Dr. Carlos Adolfo Urueta.                                       | Paraguay:  |
| Cuba:   | Mr. Arturo Campos.                                       |
| Mr. Carlos Armenteros.  | Dr. Manuel Gondra.                                       |
| Mr. Francisco Carrera Justiz.                                   | Persia:  |
| Mr. Luis Rosainz.   | Mirza Abdul Ali Khan.                                    |
| Czecho-Slovakia:  | Mirza Ali Asghar Khan.                                   |
| Mr. J. Sousek.  | Peru:  |
| Mr. Charles Spinka.   | Mr. Carlos Prevost.                                      |
| Mr. F. Hodacz.  | Mr. Eduardo Higginson.                                   |
| Mr. R. Tayeric.   | Mr. Vicente Conzales Bazo.                               |
| Denmark:  | Mr. Victor A. Pujazon.                                   |
| Mr. S. Neumann.   | Poland:  |
| Mr. Berthel Dahlgaard (substitute for Mr. C. V. Bramsnaes).     | Mr. Rogowicz (substitute for Mr. Franciszek Sokal).      |
| Mr. P. Hedeboel (substitute for Mr. C. F. Madsen).              | Mr. Jozef Rymer.   |
| Mr. H. Vestesen.  | Mr. Jan Zagleniczny.                                     |
| Ecuador:  | Mr. Edmund Bernatowicz.                                  |
| Dr. Don Rafael H. Elizalde.                                     | Portugal:  |
| Dr. Don Juan Cueva Garcia.                                      | Mr. Jose Barbosa.  |
| Finland:  | Mr. Alvaro de Lacerda.                                   |
| Mr. A. H. Saastamoinen.   | Mr. Alfredo Franco.                                      |
| Mr. Niilo A. Mannio.  | Roumania:  |
| Mr. Matti Paasivuori.   | Mr. C. Orghidan.   |
| Mr. Robert Lavonius.  | Mr. Gregoire Michaelesco.                                |
| France:   | Serbs, Croats, and Slovenes:                             |
| Mr. Boulin (substitute for Mr. Arthur Fontaine).                | Dr. Slavko Y. Grouitch.                                  |
| Mr. Max Lazard.   | Dr. Albin Prepeluh.                                      |
| Mr. Louis Guérin.   | Mr. Marko Bauer.   |
| Mr. Léon Jouhaux.   | Mr. O. Ludevit Peritch (substitute for Mr. Sveta Frantz) |
| Great Britain:  | Slam:  |
| Right Hon. G. N. Barnes.  | Phya Prabha Karavongse.                                  |
| Sir Malcolm Delevingne.   | Phya Chanindr Bhakdi.                                    |
| Mr. G. Maginess (substitute for Mr. D. S. Marjoribanks).        | South Africa:  |
| Miss M. R. MacArthur (substitute for Mr. G. H. Stuart-Bunning). | Mr. H. Warington Smyth.                                  |
| Greece:   | Mr. William Gemmill.                                     |
| Mr. John Sofianopoulos.   | Mr. Archibald Crawford.                                  |
| Mr. Angelus Sklitzopoulos.                                      | Spain:   |
| Mr. Eugene Cantacuzène.   | Mr. Pedro Sangro (substitute for Viscount de Eza).       |
| Mr. Timoleon Lamprinopoulos.                                    | Mr. Adolfo Gonzales Posada.                              |
| Guatemala:  | Mr. Alfonso Sala.  |
| Mr. Francisco Sanchez Latour.                                   | Mr. Francisco Largo Caballero.                           |
| Dr. Ramon Bengoechea.   | Mr. J. Gascon.   |
| Mr. Alfredo Palomo Rodriguez.                                   | Sweden:  |
| Mr. Manuel Moreno.  | Miss Hesselgren (substitute for Judge Erik M. Sjöborg).  |
| Haiti:  | Senator R. G. Hallfred von Koch.                         |
| Mr. Charles Moravia.  | Mr. Edstrom (substitute for Senator Hjalmar von Sydow).  |
| India:  | Mr. A. Herman Lindqvist.                                 |
| Mr. Louis James Kershaw.  | Switzerland:   |
| Mr. Atul Chandra Chatterjee.                                    | Dr. Hans Sulzer.   |
| Mr. Alexander Robertson Murray.                                 | Dr. Hermann Rüfenacht.                                   |
| Mr. Naryan Malhar Joshi.  | Mr. Dietrich Schindler.                                  |
|   | Mr. Conrad Ilg.  |
|   | Uruguay:   |
|   | Dr. Jacobo Varela.                                       |
|   | Venezuela:   |
|   | Dr. Don Santos A. Dominici.                              |
|   | Mr. César Zumeta.  |



## TWENTY-FOURTH SESSION—FRIDAY, NOVEMBER 28, 1919.

The conference reconvened at 2.45 o'clock p. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. The conference will be in order. The secretary will make announcements and read correspondence.

The SECRETARY GENERAL. I have received the following telegram from the German delegation for the International Labor Conference:

*To the International Labor Conference,  
Washington, D. C.*

After the German delegation had already begun its journey to Washington consequent upon the invitation of the International Labor Conference, the communication of the Secretary General of the conference reached them at the last moment immediately before their embarkation at Gothenburg to the effect that the conference would finally conclude its deliberations at the end November, and that the journey of the German delegates would accordingly be useless. The delegation was therefore compelled with heavy hearts to decide to give up their journey and participation in the conference. In so informing the conference they wish particularly to make it clear that from the German side everything has been done in order to enable them to be represented at the proceedings, and that this intention has only been frustrated by an unfortunate combination of circumstances. As soon as it was established that the German delegates would be admitted to the conference with the same rights and duties as the representatives of other nations, no steps were neglected in order to enable the German representatives to make the voyage. As a result, however, of the blockade in the oversea traffic at the beginning of the month, the first opportunity of sailing did not occur until the 18th of November from Gothenburg, which as it now turns out, was too late. The German delegation is convinced that their absence will under these circumstances not be misconstrued by the conference or by the workers of the world. Germany has in the last 10 years, and especially since the suspension of hostilities, done an extraordinary amount by way of legislation and administration for the working classes of the country. This is particularly true in regard to the subjects which were under discussion at Washington. If, therefore, owing to the pressure of circumstances her representatives have had to abandon participation in the conference this can not be regarded as indicating any lack of interest or of regard for the interest of the workers so far as Germany is concerned. The German trade-unions are following the discussions in Washington with the liveliest interest and trust that the nations working in cooperation in the field of labor protection will achieve the fullest measure of success.

The PRESIDENT. The Chair, having been unavoidably absent from several preceding sessions, is not quite clear as to the parliamentary situation. The Chair understands that the program for this afternoon is the final vote upon the draft conventions that have been agreed to; that the convention relative to maternity has been considered this morning up to and including six of the eight paragraphs. It is suggested that a vote be taken upon the two additional paragraphs without debate, in order that the drafting committee may be in a position to submit a draft possibly before adjournment to-night. If that is not agreeable to the conference, the Chair will, of course, proceed with the final vote upon the draft conventions as they have been prepared. The Chair would like the judgment of the conference on that method of procedure.

Miss Mary MacArthur, of the British delegation, is recognized.

Miss MACARTHUR (Great Britain). The alternative is either to adopt the suggestion and vote for the main clauses, without discussion, or to risk losing the convention altogether, and, as I think the only amendment that remains to be discussed is one standing in my name, I rise to move that the conference accept your suggestion and vote on the remaining articles without discussion.

The PRESIDENT. Judge Castberg.

Judge CASTBERG (Norway). Mr. President, I shall also support the proposal of the president. It would be too bad, I think, if this very important matter should be dropped now and lost when we have almost finished the discussion of it. I most urgently support the proposal of the president.

The PRESIDENT. It has been moved and seconded that a vote be taken on paragraphs 7 and 8 without further debate.

As many as favor the motion will raise their right hands. [Hands raised.] Those opposed will raise their right hands.

Agreed to. Baron des Planches is recognized.

Baron Mayor des PLANCHES (Italy). I should like to inquire from what date the convention that we have just voted upon will take effect. This is a rather important point, which, it seems to me, has been neglected in drawing up the articles.

The PRESIDENT. As the Chair understands it, if this convention is agreed to it will go to the drafting committee which would then determine the date of its going into effect.

The Chair understands that several amendments are pending, or one or two amendments are pending to these paragraphs. The amendments will be put without discussion. Miss MacArthur.

Mr. MAX LAZARD (France). Article 8 has just been voted upon. Miss MacArthur withdrew her amendment, and we voted on article 8.

Miss MACARTHUR (Great Britain). My amendment, Mr. President, is to delete article 8.

The PRESIDENT. The question now occurs on the adoption of article 7. The following amendment is proposed by Mr. Posada and Mr. Gascon of the Spanish delegation. In article 7, before the words "system of insurance" insert the word "compulsory." The question is on the adoption of the amendment.

As many as favor the adoption of the amendment will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. The vote is 34 in favor and 36 against, and the amendment is therefore not agreed to.

The following amendment is proposed by Mr. Posada and Mr. Gascon of the Spanish delegation. Add as a new paragraph to article 7 the following:

In every case the benefits or the insurance shall be determined if possible by taking into account the number of children of the workers provided for in the present convention.

The question is on agreeing to the amendment.

As many as favor the amendment will raise their right hands and keep them raised until counted.

[Votes counted.]

The Chair is in doubt. The votes will be taken over again.

As many as favor the amendment will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands and will keep them raised until counted.

[Votes counted.]

The vote has been a tie both times. A majority not having voted in favor of the amendment the amendment is lost.

Mr. MAX LAZARD (France). How many votes?

The PRESIDENT. Thirty-eight votes on each side.

The question now recurs on the adoption of article 7. If there is no objection the article will be agreed to.

The Chair hears none. It is so agreed.

The question is now upon the adoption of article 8. The Chair recognizes Miss MacArthur. The Chair has not a copy of Miss MacArthur's amendment.

Mr. MAX LAZARD (France). Will you read the amendment?

Miss MACARTHUR (Great Britain). My amendment is to delete article 8 altogether; to strike it out.

The PRESIDENT. The motion before the house is to delete article 8.

As many as favor the motion to delete article 8 will raise their right hands and keep them raised until counted.

[Votes counted.]



Down. Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

[Baron Mayor des Planches (Italy) rises.]

The PRESIDENT. The president will not entertain discussion during a vote.

Baron Mayor des Planches (Italy). We want enlightenment on the vote. What are we going to vote on? Is it the elimination of article 8 or the retention of article 8?

The PRESIDENT. The vote is to delete; that is, to cut out of the convention, to take article 8 out of the convention.

As many as favor the deletion of article 8 from the convention will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. By a vote of 54 to 29 the motion is not agreed to. The question now recurs upon agreeing to article 8.

As many as favor agreeing to article 8 will raise their right hands and keep them raised until counted.

Let the Chair explain. The motion made by Miss MacArthur was to leave article 8 out of the convention. That motion was lost. Negatively, that would be equivalent to agreeing to article 8; but affirmatively, it is not as yet agreed to, and it is necessary to have an affirmative vote before it can be considered agreed to. Hence, the Chair is putting it into the affirmative form.

As many as favor agreeing to article 8 will raise their right hands and keep them raised until counted.

[Votes counted.]

Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

The motion is agreed to by a vote of 56 to 20. Without objection the convention will be referred to the drafting committee for final report. The Chair hears none.

Mr. MERTENS (Belgium). I rise to inquire whether or not the motions which follow the articles are to be adopted. I should like a vote on that.

The PRESIDENT. The attention of the Chair is called to the fact that there are two motions still pending in connection with this report. A vote will be taken without debate upon the first of these motions.

The first motion is that the Indian Government be requested to make a study of the employment of women before and after confinement and all maternity benefits before the next conference and to report on these matters to the next conference. The question is on agreeing to that motion.

Those in favor of the motion will raise their right hands.

[Hands raised.] Down. Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

The motion is agreed to. The question now recurs on the second of these amendments, which is as follows:

The committee recommends to the conference that the Governments be requested to study the question of giving every working woman the right to remain away from work after the birth of a child for a longer period than that fixed in the draft convention and to receive certain benefits during her absence for the purpose of enabling her to remain with and to nurse her child. This subject will be placed upon the agenda for the next conference.

As many as favor the motion will raise their right hands.

[Votes counted.]

Down. Those opposed will raise their right hands.

[Votes counted.]

The motion is agreed to.

Without objection the report will be referred to the drafting committee for the preparation of a draft.

The Chair hears no objection. It will be so referred.

The report of the drafting committee. Mr. Hudson, in behalf of the drafting committee.

Mr. HUDSON (legal adviser of the conference). The drafting committee presents the text of five draft conventions which have been adopted by the conference. In so far as possible these conventions have been drafted along uniform lines. The formal parts of the convention follow one standard which has been carefully worked out by the drafting committee to accord with the provisions of the labor part of the treaty of peace, and which it is hoped may serve for draft conventions in the future.

In drafting the substantive parts of the various draft conventions the drafting committee has employed standard expressions whenever the use of these expressions has not interfered with the meaning of the report or the draft referred to this committee by the conference. The drafting committee wishes to suggest to the conference that it is of the highest importance that such uniformity should be observed as far as possible in order that there may be no confusion in the future concerning the legal results which flow from these draft conventions.

Will each of you have in his hand the printed text of the drafting convention fixing the age for admission of children to industrial employment? We desire to illustrate by that convention what is being said in this report.

In the substantive articles of the draft convention it has been possible to incorporate a uniform definition of the term "industrial undertaking," and this convention is article 1 in all five of the draft conventions. You will see the article 1 in this draft convention which we have printed.

In the formal parts of the draft conventions the preamble is the same for all of them, and it is designed to bring clearly the adoption of the draft conventions within the requirements of the treaty of peace concerning the agenda in each case.

The next formal article, which is the same for all of the draft conventions, and which is article 7 in this draft, merely states the provisions of the treaty with reference to ratifications and their communication to the League of Nations.

The next article, article 8, repeats the treaty provision for application of the draft convention to colonies, possessions, and protectorates.

The next two articles, articles 9 and 10, of this draft relate to the dates on which the draft convention will come into force as a convention in international law. It is necessary to set a definite date. Clearly one country should not be bound internationally by a draft convention unless it is ratified by other countries.

The next article sets the latest date upon which the provisions of the draft convention are to be brought into operation in the domestic legislation of each of the countries which ratify it. It is possible for any country to enact the necessary legislation in advance of this date, and the drafting committee has followed the wishes of the various commissions in fixing the date named as the latest date upon which the legislation must come into operation. As an international obligation the draft convention may have come into force before this date, and this date merely expresses the time allowed to each country for fulfilling its international obligation.

In some cases the members of the labor organization may be unwilling to ratify the draft convention apart from action by other members of the labor organization. Of course, any member may refrain from communicating its ratification to the secretary general of the League of Nations until it has ascertained that certain other members are willing to ratify it. Or it is possible that a member may condition its ratification upon the ratifications of other members of the labor organization. In such a case it is well understood that such a conditional ratification will become effective and should be registered by the secretary general only when the conditions are fulfilled.

The next article, article 12, relates to denunciation. Such an article is ordinarily inserted in every international convention, and the article here proposed by the drafting committee has been arrived at after consultation with the various commissions.

The next article, article 13, directs the governing body to consider, at least once in 10 years, the desirability of placing on the



agenda of the conference the question of revising or modifying the draft conventions. Under the labor part of the treaty of peace, it is, of course, open to the conference or the governing body to place any question upon the agenda at any time, but it has seemed well to insert the article here proposed.

It will be observed that this article in no way encourages unnecessary action which might disturb settlements already arrived at but it simply contemplates the study of the working of the draft conventions in order that their revision may be considered in case their provisions may appear to have become obsolete.

Of course, that article will in no way interfere with the article in the eight-hour day convention which calls for a study of the working of the draft convention oftener than every 10 years.

The drafting committee has in each case arrived at the final text after consultation with the commissions on whose report the draft is based. It is needless to say that the drafting committee has in no case authorized any departure from the terms or meanings of these reports except in so far as amendments have been accepted by the conference.

In article 11 of the convention fixing the age for admission of children to industrial employment there is one important typographical error. The English text says that each member which ratifies this convention agrees to bring its provisions into operation not later than January 1, 1922. It should read "July 1, 1922."

The French text of article 11 is correct.

The PRESIDENT. The question recurs on agreeing to the draft convention fixing the age for admission of children to industrial employment. The secretary will call the roll.

The Chair will state for the information of the conference that it requires 60 members present to constitute a quorum and two-thirds of a quorum voting to secure the adoption of the convention. The secretary will call the roll.

[Roll call.]

YES—92.

|                               |                               |
|-------------------------------|-------------------------------|
| Argentina:                    | Great Britain:                |
| Mr. Hermenegildo Pini.        | Right Hon. G. N. Barnes.      |
| Mr. Amerio Balino.            | Sir Malcolm Delevingne.       |
| Belgium:                      | Mr. D. S. Marjoribanks.       |
| Mr. Michel Lévi.              | Mr. G. H. Stuart-Bunning.     |
| Mr. Ernest Mabaim.            | Greece:                       |
| Mr. Jules Carlier.            | Mr. John Sofianopoulos.       |
| Mr. Corneille Mertens.        | Mr. Angelus Skinzopoulos.     |
| Brazil:                       | Guatemala:                    |
| Mr. Carlos Sampaio.           | Mr. Francisco Sanchez Latour. |
| Canada:                       | Dr. Ramon Bengoechea.         |
| Hon. Gideon D. Robertson.     | Mr. Alfredo Palomo Rodriguez. |
| Hon. Newton W. Rowell.        | Mr. Manuel Moreno.            |
| Mr. S. R. Parsons.            | Italy:                        |
| Mr. P. M. Draper.             | Baron Mayor des Planches.     |
| Chile:                        | Dr. G. di Palma Castiglione.  |
| Mr. Gustavo Munizaga Varela.  | Comm. E. Baroni.              |
| Colombia:                     | Mr. Gino Baldesi.             |
| Dr. Carlos Adolfo Urueta.     | Japan:                        |
| Cuba:                         | Mr. Eikichi Kamada.           |
| Mr. Carlos Armenteros.        | Dr. Minoru Oka.               |
| Mr. Francisco Carrera Justiz. | Mr. Sanji Muto.               |
| Czecho-Slovakia:              | Mr. Ubei Masumoto.            |
| Mr. J. Sousek.                | Netherlands:                  |
| Mr. Charles Spinka.           | Mgr. W. H. Nolens.            |
| Mr. R. Tayerle.               | Mr. G. J. van Thienen.        |
| Denmark:                      | Mr. J. A. E. Verkade.         |
| Mr. S. Neumann.               | Mr. J. Oudegeest.             |
| Mr. C. V. Bramsnaes.          | Nicaragua:                    |
| Mr. C. F. Madsen.             | Señor Don Ramon Enriquez.     |
| Mr. H. Vestesen.              | Norway:                       |
| Ecuador:                      | Judge Johan Castberg.         |
| Dr. Don Rafael H. Ellzalde.   | Judge I. M. Lund.             |
| Finland:                      | Mr. G. Paus.                  |
| Mr. A. H. Saastamoinen.       | Mr. J. Teigen.                |
| Judge Niilo A. Mannio.        | Panama:                       |
| Mr. Robert Lavonius.          | Mr. Jorge Luis Paredes.       |
| France:                       | Paraguay:                     |
| Mr. Arthur Fontaine.          | Mr. Arturo Campos.            |
| Mr. Max Lazard.               | Dr. Manuel Gondra.            |
| Mr. Louis Guérin.             | Persia:                       |
| Mr. Léon Jouhaux.             | Mirza Ali Asghar Khan.        |

Peru:

Mr. Eduardo Higginson.

Mr. Vicente Gonzales.

Mr. Victor A. Pujazon.

Poland:

Mr. Franciszek Sokal.

Mr. Jozef Rymer.

Mr. Jan Zaglenczny.

Mr. Edmund Bernatowicz.

Portugal:

Mr. Alfredo Franco.

Mr. Jose Barbosa.

Mr. Alvaro de Lacerda.

Roumania:

Mr. C. Orghidan.

Mr. Gregoire Michaesco.

Serbs, Croats, and Slovenes:

Dr. Slavko Y. Grouitch.

Siam:

Phya Chanindr Bhakdi.

India:

Mr. Louis James Kershaw.

Mr. Atul Chandra Chatterjee.

Mr. Alexander Robertson Murray.

The PRESIDENT. The vote is 92 for and 3 against. The convention is therefore agreed to.

The vote now recurs upon the recommendation concerning the protection of women and children against lead poisoning. The secretary will call the roll. Those in favor of the recommendation will vote yes; those opposed will vote no.

[Roll call.]

YES—90.

Argentina:

Dr. Felipe Espil.

Mr. Hermenegildo Pini.

Mr. Amerio Balino.

Belgium:

Mr. Michel Lévi.

Mr. Ernest Mahaim.

Mr. Jules Carlier.

Mr. Corneille Mertens.

Brazil:

Mr. Carlos Sampaio.

Canada:

Hon. Gideon D. Robertson.

Hon. Newton W. Rowell.

Mr. S. R. Parsons.

Mr. P. M. Draper.

Chile:

Mr. Gustavo Munizaga Varela.

Cuba:

Mr. Carlos Armenteros.

Mr. Francisco Carrera Justiz.

Czecho-Slovakia:

Mr. J. Sousek.

Mr. Charles Spinka.

Denmark:

Mr. S. Neumann.

Mr. C. V. Bramsnaes.

Mr. C. F. Madsen.

Mr. H. Vestesen.

Ecuador:

Dr. Don Rafael H. Ellzalde.

Finland:

Judge Niilo A. Mannio.

Mr. A. H. Saastamoinen.

Mr. Robert Lavonius.

France:

Mr. Arthur Fontaine.

Mr. Max Lazard.

Mr. Louis Guérin.

Mr. Léon Jouhaux.

Great Britain:

Right Hon. G. N. Barnes.

Sir Malcolm Delevingne.

Mr. D. S. Marjoribanks.

Mr. G. H. Stuart-Bunning.

South Africa:

Mr. H. Warington Smyth.

Mr. William Gemmill.

Mr. Archibald Crawford.

Spain:

Viseount de Eza.

Mr. Adolfo Gonzalez Posada.

Mr. Alfonso Sala.

Mr. Francisco Largo Caballero.

Sweden:

Judge A. Erik M. Sjöborg.

Senator R. G. Halfred von Koeh.

Senator Hjalmar von Sydow.

Mr. A. Herman Lindqvist.

Switzerland:

Dr. Hans Sulzer.

Dr. Hermann Rufenacht.

Mr. Dietrich Schindler.

Mr. Conrad Ilg.

Uruguay:

Dr. Jacobo Varela.

Venezuela:

Mr. César Zumeta.

No—3.

Greece:

Mr. John Sofianopoulos.

Mr. Angelus Skinzopoulos.

Mr. Eugene Cantacuzène.

Guatemala:

Mr. Francisco Sanchez Latour.

Dr. Ramon Bengoechea.

Mr. Alfredo Palomo Rodriguez.

Mr. Manuel Moreno.

Italy:

Baron Mayor des Planches.

Dr. G. di Palma Castiglione.

Comm. E. Baroni.

Mr. Gino Baldesi.

Japan:

Mr. Eikichi Kamada.

Dr. Minoru Oka.

Mr. Sanji Muto.

Mr. Uhei Masumoto.

Netherlands:

Mgr. W. H. Nolens.

Mr. G. J. van Thienen.

Mr. J. A. E. Verkade.

Mr. J. Oudegeest.

Nicaragua:

Señor Don Ramon Enriquez.

Norway:

Judge Johan Castberg.

Judge I. M. Lund.

Mr. G. Paus.

Mr. J. Teigen.

Panama:

Mr. Jorge Luis Paredes.

Paraguay:

Mr. Arturo Campos.

Dr. Manuel Gondra.

Persia:

Mirza Ali Asghar Khan.

Peru:

Mr. Eduardo Higginson.

Mr. Vicente Gonzales.

Mr. Victor A. Pujazon.

Poland:

Mr. Franciszek Sokal.

Mr. Jozef Rymer.

Mr. Jan Zaglenczny.



|                             |                                 |
|-----------------------------|---------------------------------|
| Portugal:                   | Spain—Continued.                |
| Mr. Alfredo Franco.         | Mr. Alfonso Sala.               |
| Mr. Jose Barbosa.           | Mr. Francisco Largo Caballero.  |
| Mr. Alvaro de Lacerda.      | Sweden:                         |
| Roumania:                   | Judge A. Erik M. Sjöborg.       |
| Mr. C. Orghidan.            | Senator R. G. Halfred von Koch. |
| Mr. Gregoire Michaelesco.   | Senator Hjalmar von Sydow.      |
| Siam:                       | Mr. A. Herman Lindqvist.        |
| Phya Chanindr Bhakdi.       | Switzerland:                    |
| South Africa:               | Dr. Hans Sulzer.                |
| Mr. H. Warrington Smyth.    | Dr. Hermann Rufenacht.          |
| Mr. William Gemmill.        | Mr. Dietrich Schindler.         |
| Mr. Archibald Crawford.     | Mr. Conrad Ilg.                 |
| Spain:                      | Uruguay:                        |
| Viscount de Eza.            | Dr. Jacobo Varela.              |
| Mr. Adolfo Gonzalcz Posada. | Venezuela:                      |
|                             | Mr. César Zumeta.               |

No—None.

The vote is 90 for, none against. The recommendation is therefore agreed to.

The Chair understands that the drafting committee requires an understanding of a motion passed this morning, in order that it may properly draft the convention now in its hands. A representative of the committee is recognized.

Miss Constance Smith is recognized.

Miss SMITH (Great Britain). Mr. President, as chairman of the commission on women's employment, I have conferred with the drafting committee, and they are anxious to know how much of Mr. Jouhaux's amendment to article 4 was adopted. I understood from the statement made by Mr. Barnes from the chair that only the second half of this amendment was adopted, and I will ask you, Mr. President, if we might request Mr. Barnes to give us his statement on that subject, that the minds of the conference may be clear, and also that the drafting committee may have proper instructions?

The PRESIDENT. Mr. Barnes.

Mr. BARNES (Great Britain). My ruling was, Mr. Chairman, that only the second part of Mr. Jouhaux's motion was put to the meeting. And I, in putting it, said that the only thing put to the meeting was as to whether or not the state or the employers were to bear the liability. Might I say a word or two in justification of that ruling of mine? The Spaniards put up a series of motions this morning, the first one of which put it that the competent authority should decide as between industry and commerce on the one hand, and agriculture on the other. And there seemed to be some delegates who were disposed to read into that that we were putting commerce into the convention. I pointed out at the time that we were doing nothing of the kind.

The only matter put before the conference on that motion was the substitution of the words "competent authority" for "national law," and I so stated at the time, because there was nothing positive in it about including commerce. It simply said that the competent authority should determine between this and that. Well, the competent authority of any country can do that of its own accord without any instructions from this body or anybody else. Consequently I decided that so far as putting commerce into the convention was concerned, there was nothing in that first proposition to justify its being put in. Subsequently the Spaniards put forward two motions in which the direct proposition was made that commerce should be included in the convention, and on each occasion the conference by a considerable majority voted against the insertion of commerce. Inasmuch, then, as Mr. Jouhaux's motion included the idea of including all women wage workers, impliedly including commerce as well as industry, I decided that that matter had already been determined by the conference, and therefore the only part of Mr. Jouhaux's motion was the last part, which, as I said, determined that the state instead of the employer should bear the cost.

The PRESIDENT. Mr. Jouhaux.

Mr. JOUHAUX (France). I can not accept the interpretation which has just been given of the vote taken this morning. And I am all the less willing to accept it as all the explanations which I furnished to justify the amendment bore upon the one point of

showing the necessity of not cutting out of the convention two-thirds of all working women. It may be that a majority, not a large one, perhaps, but still a majority, has pronounced against the amendments brought in by the Spanish delegates.

A VOICE. It is doubtful.

Mr. JOUHAUX. (France). Does that mean that the spirit of the amendment made by the French workers' delegation shall inevitably follow the stand taken by the president with regard to the discussion? That would really be a strange abuse of power in a conference which stands for democratic principles.

In the course of the discussions of the preceding days, I followed attentively the methods of the English parliamentary procedure and I observed that it permitted going back to a question by reason of new conjunction of circumstances or of a new vote. Imbued with this idea I made use of that possibility this morning, and it would be improper if those who for the first time use a procedure which has involved them in confusion for a month and which frequently has been detrimental to their position, should be deprived of its benefit the first time that they avail themselves of the procedure. I may say, then, that I consider the explanation furnished this morning did not throw any light on the spirit of the amendment which I presented and that consequently the vote taken does not bear on the word "period" but on the words "female wage earners."

Mr. MORIN (Spain). I ask to be recognized.

The PRESIDENT. The Chair had been advised that the drafting committee was in doubt as to what the purport of the action of the conference this morning was, and that, therefore, an explanation was necessary, that the drafting committee might be advised as to what the purport, what the intent of the action of the conference this morning was. The Chair is now advised that the drafting committee feels that the record is clear, and it is not asking for an interpretation from the conference. The Chair yielded to having this matter introduced solely for the purpose of facilitating the business of the conference. It is not in order at this time, and consequently further discussion will not be recognized by the Chair in connection with it.

The question recurs upon the adoption of the recommendation concerning the prevention of anthrax. The secretary will call the roll. Those in favor of the recommendation will vote yes. Those opposed will vote no.

[Roll call.]

YES—95.

|                               |                               |
|-------------------------------|-------------------------------|
| Argentina:                    | Finland:                      |
| Dr. Leonidas Anastasi.        | Judge Niilo A. Mannio.        |
| Mr. Hermengildo Pini.         | Mr. Robert Lavonius.          |
| Mr. Americo Balino.           | France:                       |
| Belgium:                      | Mr. Arthur Fontaine.          |
| Mr. Michel Lévie.             | Mr. Max Lazard.               |
| Mr. Ernest Mahaim.            | Mr. Louis Guérin.             |
| Mr. Jules Carlier.            | Mr. Léon Jouhaux.             |
| Mr. Cornille Mertens.         | Great Britain:                |
| Brazil:                       | Right Hon. G. N. Barnes.      |
| Mr. Carlos Sampaio.           | Sir Malcolm Delevingne.       |
| Canada:                       | Mr. D. S. Marjoribanks.       |
| Hon. Gideon D. Robertson.     | Mr. G. H. Stuart-Bunning.     |
| Hon. Newton W. Rowell.        | Greece:                       |
| Mr. S. R. Parsons.            | Mr. John Sofianopoulos.       |
| Mr. P. M. Draper.             | Mr. Angelus Skinzopoulos.     |
| Chile:                        | Mr. Eugene Cantacuzène.       |
| Mr. Gustavo Munizaga Varela.  | Mr. Timoleon Lamprinopoulos.  |
| Cuba:                         | Guatemala:                    |
| Mr. Carlos Armenteros.        | Mr. Francisco Sanchez Latour. |
| Mr. Francisco Carrera Justiz. | Dr. Ramon Bengochea.          |
| Czecho-Slovakia:              | Mr. Alfredo Palomo Rodriguez. |
| Mr. J. Sousek.                | Mr. Manuel Moreno.            |
| Mr. Charles Spinka.           | Italy:                        |
| Mr. F. Hodacz.                | Baron Mayor des Planches.     |
| Mr. R. Tayerle.               | Dr. G. di Palma Castiglione.  |
| Denmark:                      | Comm. E. Baroni.              |
| Mr. S. Neumann.               | Mr. Gino Baldesi.             |
| Mr. C. V. Bramsnaes.          | Japan:                        |
| Mr. C. F. Madsen.             | Mr. Eikichi Kamada.           |
| Mr. H. Vestesen.              | Dr. Minoru Oka.               |
| Ecuador:                      | Mr. Sanji Muto.               |
| Dr. Don Rafael H. Elizalde.   | Mr. Uhei Masumoto.            |



Netherlands:  
Mgr. W. H. Nolens.  
Mr. G. J. van Thienen.  
Mr. J. A. E. Verkade.  
Mr. J. Oudegeest.

Nicaragua:  
Señor Don Ramon Enriquez.

Norway:  
Judge Johan Castberg.  
Judge I. M. Lund.  
Mr. G. Paus.  
Mr. J. Teigen.

Panama:  
Mr. Jorge Luis Paredas.

Paraguay:  
Mr. Arturo Campos.  
Dr. Manuel Gondra.

Persia:  
Mirza Abdul Ali Khan

Peru:  
Mr. Carlos Prevost.  
Mr. Eduardo Higginson.  
Mr. Vicente Gonzales.  
Mr. Victor A. Pujazon.

Poland:  
Mr. Franciszek Sokal.  
Mr. Jozef Rymer.  
Mr. Jan Zagleniczny.  
Mr. Edmund Bernatowicz.

Portugal:  
Mr. Alfredo Franco.  
Mr. Jose Barbosa.  
Mr. Alvaro de Lacerda.

Roumania:  
Mr. C. Orghidan.  
Mr. Gregoire Michasco.

Serbs, Croats, and Slovenes:  
Dr. Slavko Y. Grouitch.

Siam:  
Phya Chanindr Bhakdi.

South Africa:  
Mr. H. Warrington Smyth.  
Mr. William Gemmill.  
Mr. Archibald Crawford.

Spain:  
Viscount de Eza.  
Mr. Adolfo Gonzalez Posada.  
Mr. Alfonso Sala.  
Mr. Francisco Largo Caballero.

Sweden:  
Judge A. Erik M. Sjöborg.  
Senator R. G. Halfred von Koch.  
Senator Hjalmar von Sydow.  
Mr. A. Herman Lindqvist.

Switzerland:  
Dr. Hans Sulzer.  
Dr. Hermann Rufenacht.  
Mr. Dietrich Schindler.  
Mr. Conrad Ilg.

Uruguay:  
Dr. Jacobo Varela.

Venezuela:  
Mr. César Zumeta.

No—None.

The PRESIDENT. The vote is 95 for and none against. The recommendation is therefore agreed to.

The question now recurs on the recommendation concerning the establishment of government health services. The secretary will call the roll. Those in favor will vote yes; those opposed will vote no.

[Roll call.]

Yes—93.

Argentina:  
Dr. Leonidas Anastasi.  
Mr. Hermenegildo Pini.  
Mr. Americo Balino.

Belgium:  
Mr. Michel Lévie.  
Mr. Ernest Mahaim.  
Mr. Jules Carlier.  
Mr. Corneille Mertens.

Brazil:  
Mr. Carlos Sampaio.

Canada:  
Hon. Gideon D. Robertson.  
Hon. Newton W. Rowell.  
Mr. S. R. Parsons.  
Mr. P. M. Draper.

Chile:  
Mr. Gustavo Munizaga Varela.

Cuba:  
Mr. Carlos Armenteros.  
Mr. Francisco Carrera Justiz.

Czecho-Slovakia:  
Mr. J. Sousck.  
Mr. R. Tayerle.

Denmark:  
Mr. S. Neumann.  
Mr. C. V. Bramsnaes.  
Mr. C. F. Madsen.  
Mr. H. Vestesen.

Ecuador:  
Dr. Don Rafael H. Elizalde.

Finland:  
Mr. A. H. Saastamoinen.  
Judge Niilo A. Mannio.  
Mr. Robert Lavonius.  
Mr. Matti Paasivuori.

France:  
Mr. Arthur Fontaine.  
Mr. Max Lazard.  
Mr. Louis Guérin.  
Mr. Léon Jouhaux.

Great Britain:  
Right Hon. G. N. Barnes.  
Sir Malcolm Delevingne.  
Mr. G. H. Stuart-Bunning.

Greece:  
Mr. John Sofianopoulos.  
Mr. Angelus Skinzopoulos.  
Mr. Eugene Cantacuzène.  
Mr. Timoleon Lamprinopoulos.

Guatemala:  
Mr. Francisco Sanchez Latour.  
Dr. Ramon Bengoechea.  
Mr. Alfredo Palomo Rodriguez.  
Mr. Manuel Moreno.

Italy:  
Baron Mayor des Planches.  
Comm. E. Baroni.  
Mr. Gino Baldesi.

Japan:  
Mr. Eikichi Kamada.  
Dr. Minoru Oka.  
Mr. Sanji Muto.  
Mr. Uhei Masumoto.

Netherlands:  
Mgr. W. H. Nolens.  
Mr. G. J. van Thienen.  
Mr. J. A. E. Verkade.  
Mr. J. Oudegeest.

Nicaragua:  
Señor Don Ramon Enriquez.

Norway:  
Judge Johan Castberg.  
Judge I. M. Lund.  
Mr. G. Paus.  
Mr. J. Teigen.

Panama:  
Mr. Jorge Luis Paredas.

Paraguay:  
Mr. Arturo Campos.  
Dr. Manuel Gondra.

Persia:  
Mirza Ali Asghar Khan.

Peru:  
Mr. Carlos Prevost.  
Mr. Eduardo Higginson.  
Mr. Vicente Gonzales.  
Mr. Victor A. Pujazon.

Poland:  
Mr. Franciszek Sokal.  
Mr. Jozef Rymer.  
Mr. Jan Zagleniczny.  
Mr. Edmund Bernatowicz.

Portugal:  
Mr. Alvaro de Lacerda.  
Mr. Jose Barbosa.  
Mr. Alfredo Franco.

Roumania:  
Mr. C. Orghidan.  
Mr. Gregoire Michasco.

Serbs, Croats, and Slovenes:  
Dr. Slavko Y. Grouitch.  
Dr. Ludevit Peritch.  
Mr. Marko Bauer.

Siam:  
Phya Chanindr Bhakdi.

No—None.

The vote is 93 for, none against. The recommendation is therefore agreed to.

The question recurs on the draft convention concerning employment of women during the night. The secretary will call the roll. Those in favor will vote yes. Those opposed will vote no.

[Roll call.]

YEAS—94.

Argentina:  
Dr. Leonidas Anastasi.  
Dr. Felipe Espil.  
Mr. Hermenegildo Pini.  
Mr. Americo Balino.

Belgium:  
Mr. Michel Lévie.  
Mr. Ernest Mahaim.  
Mr. Jules Carlier.  
Mr. Corneille Mertens.

Brazil:  
Mr. Carlos Sampaio.

Canada:  
Hon. Gideon D. Robertson.  
Hon. Newton W. Rowell.  
Mr. S. R. Parsons.  
Mr. P. M. Draper.

Chile:  
Mr. Gustavo Munizaga Varela.

Cuba:  
Mr. Carlos Armenteros.  
Mr. Francisco Carrera Justiz.

Czecho-Slovakia:  
Mr. J. Sousek.  
Mr. Charles Spinka.  
Mr. R. Tayerle.

Denmark:  
Mr. S. Neumann.  
Mr. C. V. Bramsnaes.  
Mr. C. F. Madsen.  
Mr. H. Vestesen.

Ecuador:  
Dr. Don Rafael H. Elizalde.

Finland:  
Mr. A. H. Saastamoinen.  
Judge Niilo A. Mannio.  
Mr. Robert Lavonius.

France:  
Mr. Arthur Fontaine.  
Mr. Max Lazard.  
Mr. Louis Guérin.  
Mr. Léon Jouhaux.

Great Britain:  
Right Hon. G. N. Barnes.  
Sir. Malcolm Delevingne.  
Mr. G. H. Stuart-Bunning.

Greece:  
Mr. John Sofianopoulos.  
Mr. Angelus Skinzopoulos.  
Mr. Eugene Cantacuzène.  
Mr. Timoleon Lamprinopoulos.

Guatemala:  
Mr. Francisco Sanchez Latour.  
Mr. Alfredo Palomo Rodriguez.  
Mr. Manuel Moreno.

India:  
Mr. Louis James Kershaw.

Italy:  
Baron Mayor des Planches.  
Dr. G. di Palma Castiglione.  
Comm. E. Baroni.

Japan:  
Mr. Eikichi Kamada.  
Dr. Minoru Oka.  
Mr. Sanji Muto.  
Mr. Uhei Masumoto.

Netherlands:  
Mgr. W. H. Nolens.  
Mr. G. J. van Thienen.  
Mr. J. A. E. Verkade.  
Mr. J. Oudegeest.

Nicaragua:  
Señor Don Ramon Enriquez.

Norway:  
Judge Johan Castberg.  
Judge I. M. Lund.  
Mr. J. Teigen.

Panama:  
Mr. Jorge Luis Paredas.

Paraguay:  
Mr. Arturo Campos.  
Dr. Manuel Gondra.

Persia:  
Mirza Abdul Ali Khan.  
Mirza Ali Asghar Khan.

Peru:  
Mr. Carlos Prevost.  
Mr. Eduardo Higginson.  
Mr. Victor A. Pujazon.

Poland:  
Mr. Franciszek Sokal.  
Mr. Jozef Rymer.  
Mr. Jan Zagleniczny.  
Mr. Edmund Bernatowicz.

Portugal:  
Mr. Alfredo Franco.  
Mr. Jose Barbosa.  
Mr. Alvaro de Lacerda.

Roumania:  
Mr. C. Orghidan.  
Mr. Gregoire Michasco.



Serbs, Croats and Slovenes:

Dr. Slavko Y. Grouitch.  
Mr. Marko Bauer.

Siam:

Phya Chanindr Bhakdi.

South Africa:

Mr. H. Warington Smyth.  
Mr. William Gemmill.  
Mr. Archibald Crawford.

Spain:

Viscount de Eza.  
Mr. Adolfo Gonzales Posada.  
Mr. Alfonso Sala.  
Mr. Francisco Largo Caballero.

Sweden:

Judge A. Erik M. Sjöborg.  
Senator R. G. Halfred von Koch.  
Senator Hjalmar von Sydow.  
Mr. A. Herman Lindqvist.

Switzerland:

Dr. Hans Sulzer.  
Dr. Hermann Rufenacht.  
Mr. Dietrich Schindler.  
Mr. Conrad Ilg.

Uruguay:

Dr. Jacobo Varela.

Venezuela:

Mr. César Zumeta.

No—1.

Norway:

Mr. G. Paus.

The PRESIDENT. The vote is 94 for, 1 against, and 1 abstention. The draft is therefore agreed to.

The question recurs on the draft convention concerning unemployment. The secretary will call the roll, those in favor will vote yes, those opposed will vote no.

The question has been raised that the draft convention concerning unemployment has not been circulated. The Chair is in possession of a copy, "A draft convention concerning unemployment,"

A DELEGATE. We have it.

Mr. ROWELL (Canada). A copy has not been furnished us. We have a draft convention on the night work of young persons, that is, the one just distributed.

The SECRETARY GENERAL. It is a typewritten document which most of the delegates seem to have.

SEVERAL DELEGATES. Yes, we have it.

Mr. CRAWFORD (South Africa). Mr. Chairman might I suggest that as these things have just been circulated not so very long ago—

The SECRETARY GENERAL. Last night.

Mr. CRAWFORD (South Africa). Well, I have only just discovered it here, and I suggest that the clauses be read. Many of the clauses are similar to those reported in other draft conventions. I believe there are only about three clauses here that vary, and if these were read it would settle the matter in the minds of the members who are about to vote.

SEVERAL DELEGATES. No, no.

The PRESIDENT. The Chair is of the opinion that if you will read each of these documents at length you will not get through in schedule time.

Mr. CRAWFORD (South Africa). I withdraw my suggestion.

The PRESIDENT. Pending the time when those who have not secured copies of the draft convention concerning unemployment are looking that up and becoming acquainted with the contents, the Chair will pass to the next item, and the question will recur on the draft convention limiting the hours of work in industrial undertakings to 8 in the day and 48 in the week. The secretary will call the roll. Those in favor will vote "yes," those opposed will vote "no."

Mr. ROWELL (Canada). Again, Mr. Chairman, copies have not been left here.

Mr. CRAWFORD (South Africa). I have no copies, Mr. Chairman.

Mr. CASTIGLIONE (Italy). We have it here.

Mr. ROWELL (Canada). Might I ask, Mr. Chairman, if the secretarial staff have additional copies, if we could be furnished with them now? Apparently they have been distributed to some of the members of the conference but not to all. We have not copies here.

The SECRETARY GENERAL. Copies were circulated last night to all delegates at their hotels, and to my knowledge a great number of delegates received them at their hotels this morning at 9 o'clock. I will do my best to supply additional copies to those delegates who have not got them, but I rather fear the supply has been exhausted.

The PRESIDENT. The hours question will be passed for the time being, pending the securing of copies, and the question will recur on the draft convention concerning the night work of young persons employed in industry. The secretary will call the roll. Those in favor will vote yes. Those opposed will vote no.

[Roll call.]

YES—93.

Argentina:

Dr. Felipe Espil.  
Mr. Leonidas Anastasi.  
Mr. Hermenegildo Pini.  
Mr. Americo Balino.

Belgium:

Mr. Ernest Mahaim.  
Mr. Corneille Mertens.  
Mr. Michel Lévie.

Brazil:

Mr. Carlos Sampaio.

Canada:

Mr. Gerald H. Brown (substitute for  
Hon. Gideon D. Robertson).  
Hon. Newton W. Rowell.  
Mr. S. R. Parsons.  
Mr. P. M. Draper.

Chile:

Mr. Gustavo Munizaga Varela.

Cuba:

Dr. Carlos Armenteros.  
Dr. Francisco Carrera Justiz.

Czecho-Slovakia:

Mr. Charles Spinka.  
Mr. F. Hodacz.  
Mr. R. Tayerle.  
Mr. J. Sousek.

Denmark:

Mr. S. Neumann.  
Mr. C. V. Bramsnaes.  
Mr. H. Vestesen.  
Mr. C. V. Madsen.

Ecuador:

Dr. Don Rafael H. Elizalde.

Finland:

Mr. A. H. Saastamonien.  
Judge Niilo A. Mannio.

France:

Mr. Arthur Fontaine.  
Mr. Max Lazard.  
Mr. Louis Guérin.  
Mr. Léon Jouhaux.

Great Britain:

Sir Malcolm Delevingne.  
Mr. D. S. Marjoribanks.  
Mr. G. H. Stuart-Bunning.

Greece:

Mr. John Sofianopoulos.  
Mr. Angelus Skinzopoulos.  
Mr. Eugene Cantacuzène.  
Mr. Timoleon Lamprinopoulos.

Guatemala:

Mr. Manuel Moreno.

India:

Mr. Narayan Malhar Joshi.  
Dr. L. J. Kershaw.

Italy:

Baron Mayor des Planches.  
Mr. G. di Palma Castiglione (substitute for Mr. A. Carhini).  
Comm. E. Baroni.  
Mr. Gino Baldesi.

Japan:

Mr. Eikichi Kamada.  
Mr. Minoru Oka.  
Mr. Sanji Muto.  
Mr. Uhei Masaimoto.

Netherlands:

Mgr. W. H. Nolens.  
Mr. G. J. van Thienen.  
Mr. J. A. E. Verkade.  
Mr. J. Oudegeest.

Norway:

Judge Johan Castberg.  
Judge I. M. Lund.  
Mr. G. Paus.  
Mr. Jens Teigen (substitute for Mr. Ole Lian).

Panama:

Mr. Jorge Luis Paredas.

Paraguay:

Dr. Manuel Gondra.  
Mr. Arturo Campos.

Persia:

Mirza Abdul Ali Khan.  
Mirza Ali Asghar Khan.

Peru:

Mr. Carlos Prevost.  
Dr. Eduardo Higginson.  
Mr. Victor A. Pujazon.

Poland:

Mr. Franciszek Sokal.  
Mr. Jozef Rymmer.  
Mr. Jan Zagleniczny.  
Mr. Edmund Bernatowicz.

Portugal:

Mr. Alvaro de Lacerda.  
Mr. Jose Barbosa.  
Mr. Alfredo Franco.

Roumania:

Mr. C. Orghidan.  
Mr. Gregoire Mihalcesco.

Serbs, Croats, and Slovenes:

Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch).  
Mr. Marko Bauer.

Siam:

Phya Chanindr Bhakdi.

South Africa:

Mr. H. Warington Smyth.  
Mr. Archibald Crawford.  
Mr. William Gemmill.

Spain:

Viscount de Eza.  
Mr. Adolfo Gonzales Posada.  
Mr. Alfonso Sala.  
Mr. Francisco Largo Caballero.

Sweden:

Judge A. Erik M. Sjöborg.  
Senator R. G. Hjalmar von Sydow.  
Mr. A. Hermann Lindqvist.  
Senator Halfred von Koch.

Switzerland:

Dr. Hans Sulzer.  
Dr. Hermann Rufenacht.  
Mr. Dietrich Schindler.  
Mr. Conrad Ilg.

Uruguay:

Dr. Jacobo Varela.

Venezuela:

Mr. César Zumeta.

NO—NONE.

The PRESIDENT. The vote is 93 for and none against. The convention is therefore agreed to.

The question recurs on the recommendation concerning phosphorus matches.



The secretary will call the roll. Those in favor will vote yes. Those opposed will vote no.

[Roll call.]

YES—92.

|  |  |
|--|--|
| Argentina:   | Netherlands:   |
| Dr. Felipe Espil   | Mgr W. H. Nolens.  |
| Mr. Leonidas Anastasi.   | Mr. G. J. van Thienen.                                       |
| Mr. Hermenegildo Pini.   | Mr. J. A. E. Verkade.  |
| Mr. Americo Balino.  | Mr. J. Oudegeest.  |
| Belgium:   | Nicaragua:   |
| Mr. Ernest Mahaim.   | Don Ramon Enriquez.  |
| Mr. Jules Carlier.   | Norway:  |
| Mr. Corneille Mertens.   | Judge Johan Castberg.  |
| Mr. Michel Lévie.  | Judge I. M. Lund.  |
| Brazil:  | Mr. G. Paus.   |
| Mr. Carlos Sampaio.  | Mr. Jens Teigen (substitute for Mr. Ole Lian).               |
| Canada:  | Panama:  |
| Mr. Gerald H. Brown (substitute for Hon. Gideon D. Robertson). | Mr. Jorge Luis Paredas.                                      |
| Hon. Newton W. Rowell.   | Paraguay:  |
| Mr. S. R. Parsons.   | Dr. Manuel Gondra.   |
| Mr. P. M. Draper.  | Mr. Arturo Campos.   |
| Cuba:  | Persia:  |
| Dr. Carlos Armenteros.   | Mirza Abdul Ali Khan.  |
| Dr. Francisco Carrera Justiz.                                  | Mirza Ali Asghar Khan.                                       |
| Czecho-Slovakia:   | Peru:  |
| Mr. Charles Spinka.  | Mr. Carlos Prevost.  |
| Mr. J. Sousek.   | Dr. Eduardo Higginson.                                       |
| Denmark:   | Mr. Victor A. Pujazon.                                       |
| Mr. S. Neumann.  | Poland:  |
| Mr. C. V. Bramsnaes.   | Mr. Franciszek Sokal.  |
| Mr. H. Vestesen.   | Mr. Jozef Rymer.   |
| Mr. C. F. Madsen.  | Mr. Jan Zagleniczny.   |
| Finland:   | Mr. Edmund Bernatowicz.                                      |
| Mr. A. H. Saastamoinen.  | Portugal:  |
| Judge Niilo A. Mannio.   | Mr. Alfredo Franco.  |
| Mr. Robert Lavonius.   | Roumania:  |
| France:  | Mr. C. Orghidan.   |
| Mr. Arthur Fontaine.   | Serbs, Croats, and Slovenes:                                 |
| Mr. Max Lazard.  | Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch). |
| Mr. Louis Guérin.  | Mr. Marko Bauer.   |
| Mr. Léon Jouhaux.  | Siam:  |
| Great Britain:   | Phya Chanindr Bhakdi.  |
| Right Hon. G. N. Barnes.                                       | South Africa:  |
| Sir Malcolm Delevingne.  | Mr. H. Warrington Smyth.                                     |
| Mr. D. S. Marjoribanks.  | Mr. Archibald Crawford.                                      |
| Mr. G. H. Stuart-Bunning.                                      | Mr. William Gemmill.   |
| Greece:  | Spain:   |
| Mr. John Sofianopoulos.  | Viscount de Eza.   |
| Mr. Angelus Skinzopoulos.                                      | Mr. Adolfo Gonzales Posada.                                  |
| Mr. Eugene Cantacuzène.  | Mr. Alfonso Sala.  |
| Mr. Timoleon Lamprinopoulos.                                   | Mr. Francisco Largo Caballero.                               |
| Guatemala:   | Sweden:  |
| Mr. Francisco Sanchez Latour.                                  | Judge A. Erik M. Sjöborg.                                    |
| Mr. Ramon Bengoechea.  | Senator R. G. Hjalmar von Sydow.                             |
| Mr. Manuel Moreno.   | Mr. A. Hermann Lindqvist.                                    |
| India:   | Senator Halfred von Koch.                                    |
| Mr. Narayan Malhar Joshi.                                      | Switzerland:   |
| Dr. L. J. Kershaw.   | Dr. Hans Sulzer.   |
| Italy:   | Dr. Hermann Rufenacht.                                       |
| Baron Mayor des Planches.                                      | Mr. Dietrich Schindler.                                      |
| Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).   | Mr. Conrad Ilg.  |
| Comm. E. Baroni.   | Uruguay:   |
| Mr. Gino Baldesi.  | Dr. Jacobo Varela.   |
| Japan:   | Venezuela:   |
| Mr. Eikichi Kamada.  | Mr. César Zumeta.  |
| Dr. Minoru Oka.  |  |
| Mr. Sanji Muto.  |  |
| Mr. Uhei Masumoto.   |  |

No—NONE.

The vote is 92 for, none against. The recommendation is therefore agreed to.

The question recurs on the recommendation concerning reciprocity of treatment of foreign workers.

Mr. ROWELL (Canada). Mr. President, I simply wish, before the vote is taken on this recommendation, to again point out, as I did when it came before the conference in another form, that it was not on the agenda, and the conference is not competent to deal with it. I agree with the terms of the recommendation. My objection is that the conference are attempting to deal with a matter that is not on the agenda.

I simply wish to record the objection; that is all.

Mr. CASTIGLIONE (Italy). Mr. President, I just wish to say that this recommendation refers to a matter which has been referred to us by a resolution of the supreme council of the allied and associated powers at Paris.

The PRESIDENT. The secretary will call the roll.

[Roll call.]

YES—80.

|  |  |
|--|--|
| Argentina:   | Japan:   |
| Dr. Felipe Espil.  | Mr. Eikichi Kamada.  |
| Mr. Leonidas Anastasi.   | Dr. Minoru Oka.  |
| Mr. Hermenegildo Pini.   | Mr. Uhei Masumoto.   |
| Mr. Americo Balino.  | Netherlands:   |
| Belgium:   | Mgr W. H. Nolens.  |
| Mr. Ernest Mahaim.   | Mr. G. J. van Thienen.                                       |
| Mr. Corneille Mertens.   | Mr. J. A. E. Verkade.  |
| Mr. Michel Lévie.  | Mr. J. Oudegeest.  |
| Brazil:  | Nicaragua:   |
| Mr. Carlos Sampaio.  | Señor Don Ramon Enriquez.                                    |
| Canada:  | Norway:  |
| Mr. Gerald H. Brown (substitute for Hon. Gideon D. Robertson). | Judge Johan Castberg.  |
| Mr. S. R. Parsons.   | Judge I. M. Lund.  |
| Mr. P. M. Draper.  | Mr. G. Paus.   |
| Cuba:  | Mr. Jens Teigen (substitute for Mr. Ole Lian).               |
| Dr. Carlos Armenteros.   | Paraguay:  |
| Dr. Francisco Carrera Justiz.                                  | Dr. Manuel Gondra.   |
| Czecho-Slovakia:   | Mr. Arturo Campos.   |
| Mr. Charles Spinka.  | Persia:  |
| Mr. R. Tayerle.  | Mirza Abdul Ali Khan.  |
| Mr. J. Sousek.   | Mirza Ali Asghar Khan.                                       |
| Denmark:   | Peru:  |
| Mr. S. Neumann.  | Mr. Carlos Prevost.  |
| Mr. C. V. Bramsnaes.   | Dr. Eduardo Higginson.                                       |
| Mr. H. Vestesen.   | Mr. Victor A. Pujazon.                                       |
| Mr. C. F. Madsen.  | Poland:  |
| Finland:   | Mr. Franciszek Sokal.  |
| Mr. A. H. Saastamoinen.  | Mr. Jozef Rymer.   |
| Judge Niilo A. Mannio.   | Mr. Jan Zagleniczny.   |
| Mr. Robert Lavonius.   | Mr. Edmund Bernatowicz.                                      |
| France:  | Portugal:  |
| Mr. Arthur Fontaine.   | Mr. Alvaro de Lacerda.                                       |
| Mr. Max Lazard.  | Mr. Jose Barbosa.  |
| Mr. Léon Jouhaux.  | Mr. Alfredo Franco.  |
| Great Britain:   | Roumania:  |
| Mr. G. H. Stuart-Bunning.                                      | Mr. Gregoire Michaelesco.                                    |
| Greece:  | Siam:  |
| Mr. John Sofianopoulos.  | Phya Chanindr Bhakdi.  |
| Mr. Angelus Skinzopoulos.                                      | Serbs, Croats, and Slovenes:                                 |
| Mr. Timoleon Lamprinopoulos.                                   | Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch). |
| Guatemala:   | Mr. Marko Bauer.   |
| Mr. Francisco Sanchez Latour.                                  | Spain:   |
| Dr. Ramon Bengoechea.  | Viscount de Eza.   |
| Mr. Manuel Moreno.   | Mr. Adolfo Gonzales Posada.                                  |
| India:   | Mr. Alfonso Sala.  |
| Mr. Narayan Malhar Joshi.                                      | Mr. Francisco Largo Caballero.                               |
| Dr. L. J. Kershaw.   | Sweden:  |
| Italy:   | Judge A. Erik M. Sjöborg.                                    |
| Baron Mayor des Planches.                                      | Senator R. G. Hjalmar von Sydow.                             |
| Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).   | Mr. A. Hermann Lindqvist.                                    |
| Comm. E. Baroni.   | Senator Halfred von Koch.                                    |
| Mr. Gino Baldesi.  | Switzerland:   |
| Japan:   | Mr. Conrad Ilg.  |
| Mr. Eikichi Kamada.  | Uruguay:   |
| Dr. Minoru Oka.  | Dr. Jacobo Varela.   |
| Mr. Sanji Muto.  | Venezuela:   |
| Mr. Uhei Masumoto.   | Mr. César Zumeta.  |

No—9.

|                         |                          |
|-------------------------|--------------------------|
| Belgium:                | South Africa:            |
| Mr. Jules Carlier.      | Mr. H. Warrington Smyth. |
| France:                 | Mr. William Gemmill.     |
| Mr. Louis Guérin.       | Switzerland:             |
| Great Britain:          | Dr. Hans Sulzer.         |
| Mr. D. S. Marjoribanks. | Dr. Hermann Rufenacht.   |
| Japan:                  | Mr. Dietrich Schindler.  |
| Mr. Sanji Muto.         |                          |

The vote is 80 for and 9 against. The recommendation is therefore agreed to.

The question recurs on the recommendation concerning unemployment. The recommendation has four separate items. Unless there is request for a division, they will be voted for en bloc.



SEVERAL DELEGATES. En bloc.

The PRESIDENT. We are voting en bloc. The secretary will call the roll. Those in favor will vote yes; those opposed will vote no.

Mr. MARJORIBANKS (Great Britain). There is opposition to their being voted on en bloc.

The PRESIDENT. If there is a single opposition, they will be voted for separately.

They will be voted for separately. The question will recur on the first recommendation.

The Secretary will call the roll. Those in favor will vote yes; those opposed will vote no.

[Roll call.]

YES—79.

|                                      |                                     |
|--------------------------------------|-------------------------------------|
| Argentina:                           | Japan—Continued.                    |
| Dr. Felipe Espil.                    | Mr. Sanji Muto.                     |
| Mr. Leonidas Anastasi.               | Mr. Uhei Masumoto.                  |
| Mr. Americo Balino.                  | Netherlands:                        |
| Belgium:                             | Mgr. W. H. Nolens.                  |
| Mr. Ernest Mahaim.                   | Mr. G. J. van Thienen.              |
| Mr. Corneille Mertens.               | Mr. J. A. E. Verkade.               |
| Mr. Michel Lévie.                    | Mr. J. Oudegeest.                   |
| Brazil:                              | Norway:                             |
| Mr. Carlos Sampaio.                  | Judge Johan Castberg.               |
| Canada:                              | Judge I. M. Lund.                   |
| Mr. Gerald H. Brown (substitute for  | Mr. G. Paus.                        |
| Hon. Gideon D. Robertson).           | Mr. Jens Teigen (substitute for Mr. |
| Hon. Newton W. Rowell                | Ole Lian).                          |
| Mr. S. R. Parsons.                   | Paraguay:                           |
| Mr. P. M. Draper.                    | Dr. Manuel Gondra.                  |
| Cuba:                                | Dr. Arturo Campos.                  |
| Dr. Carlos Armenteros.               | Persia:                             |
| Dr. Francisco Carrera Justiz.        | Mirza Ali Asghar Khan.              |
| Czecho-Slovakia:                     | Peru:                               |
| Mr. Charles Spinka.                  | Mr. Carlos Prevost.                 |
| Mr. R. Tayerle                       | Dr. Eduardo Higginson.              |
| Mr. J. Sousek.                       | Mr. Victor A. Pujazon.              |
| Denmark:                             | Poland:                             |
| Mr. S. Neumann.                      | Mr. Franciszek Sokal.               |
| Mr. C. V. Bramsnaes.                 | Mr. Jozef Rymer.                    |
| Mr. H. Vestesen.                     | Mr. Edmund Bernatowicz.             |
| Mr. C. F. Madsen.                    | Portugal:                           |
| Finland:                             | Mr. Jose Barbosa.                   |
| Mr. A. H. Saastamoinen.              | Mr. Alfredo Franco.                 |
| Judge Niilo A. Mannio.               | Roumania:                           |
| Mr. Robert Lavonius.                 | Mr. C. Orghidan.                    |
| France:                              | Mr. Gregoire Michaesco.             |
| Mr. Arthur Fontaine.                 | Serbs, Croats, and Slovenes:        |
| Mr. Max Lazard.                      | Dr. Velimir Stoykovitch (substitute |
| Mr. Léon Jouhaux.                    | for Dr. S. Y. Grouitch).            |
| Great Britain:                       | Mr. Marko Bauer.                    |
| Mr. G. H. Stuart-Bunning.            | South Africa:                       |
| Greece:                              | Mr. H. Warrington Smyth.            |
| Mr. John Sofianopoulos.              | Mr. Archibald Crawford.             |
| Mr. Angelus Skinzopoulos.            | Spain:                              |
| Mr. Timoleon Lamprinopoulos.         | Viscount de Eza.                    |
| Guatemala:                           | Mr. Adolfo Gonzales Posada.         |
| Mr. Francisco Sanchez Latour.        | Mr. Alfonso Sala.                   |
| Dr. Ramon Bengoechea.                | Mr. Francisco Largo Caballero.      |
| Mr. Alfredo Palomo Rodriguez.        | Sweden:                             |
| Mr. Manuel Moreno.                   | Judge A. Erik M. Sjöborg.           |
| India:                               | Mr. A. Hermann Lindqvist.           |
| Mr. Narayan Malhar Joshi.            | Senator Halfred von Koch.           |
| Italy:                               | Switzerland:                        |
| Baron Mayor des Planches.            | Dr. Hermann Rufenacht.              |
| Mr. G. di Palma Castiglione (substi- | Mr. Conrad Ilg.                     |
| tute for Mr. A. Cabrini).            | Uruguay:                            |
| Comm. E. Baroni.                     | Dr. Jacobo Varela.                  |
| Mr. Gino Baldesi.                    | Venezuela:                          |
| Japan:                               | Mr. César Zumeta.                   |
| Mr. Elkichi Kamada.                  |                                     |
| Dr. Minoru Oka.                      |                                     |

NO—9.

|                         |                             |
|-------------------------|-----------------------------|
| Belgium:                | Portugal:                   |
| Mr. Jules Carlier.      | Mr. Alvaro de Lacerda.      |
| France:                 | South Africa:               |
| Mr. Louis Guérin.       | Mr. William Gemmill.        |
| Great Britain:          | Sweden:                     |
| Mr. D. S. Marjoribanks. | Senator R. G. H. von Sydow. |
| Greece:                 | Switzerland:                |
| Mr. Eugene Cantacuzène. | Dr. Hans Sulzer.            |
|                         | Mr. Dietrich Schindler.     |

The PRESIDENT. The vote is 79 for, 9 against. The recommendation is therefore agreed to.

The question recurs on the adoption of the second recommendation. The secretary will call the roll. Those in favor will vote yes; those opposed will vote no.

[Roll call.]

YES—61.

|                                      |                                     |
|--------------------------------------|-------------------------------------|
| Argentina:                           | Netherlands:                        |
| Dr. Felipe Espil.                    | Mgr. W. H. Nolens.                  |
| Mr. Leonidas Anastasi.               | Mr. G. J. van Thienen.              |
| Mr. Americo Balino.                  | Mr. J. A. E. Verkade.               |
| Belgium:                             | Mr. J. Oudegeest.                   |
| Mr. Ernest Mahaim.                   | Nicaragua:                          |
| Mr. Corneille Mertens.               | Señor Don Ramon Enriquez.           |
| Mr. Michel Lévie                     | Norway:                             |
| Canada:                              | Judge Johan Castberg.               |
| Mr. P. M. Draper.                    | Judge I. M. Lund.                   |
| Cuba:                                | Mr. G. Paus.                        |
| Dr. Francisco Carrera Justiz.        | Mr. Jens Teigen (substitute for Mr. |
| Czecho-Slovakia:                     | Ole Lian).                          |
| Mr. Charles Spinka.                  | Paraguay:                           |
| Mr. R. Tayerle.                      | Dr. Manuel Gondra.                  |
| Mr. J. Sousek.                       | Mr. Arturo Campos.                  |
| Denmark:                             | Peru:                               |
| Mr. C. V. Bramsnaes.                 | Mr. Victor Pujazon.                 |
| Mr. H. Vestesen.                     | Poland:                             |
| Mr. C. F. Madsen.                    | Mr. Franciszek Sokal                |
| Finland:                             | Mr. Jozef Rymer.                    |
| Judge Niilo A. Mannio.               | Mr. Jan Zagleniczny.                |
| France:                              | Mr. Edmund Bernatowicz.             |
| Mr. Arthur Fontaine.                 | Portugal:                           |
| Mr. Max Lazard.                      | Mr. Jose Barbosa.                   |
| Mr. Léon Jouhaux.                    | Mr. Alfredo Franco.                 |
| Great Britain:                       | Serbs, Croats, and Slovenes:        |
| Mr. G. H. Stuart-Bunning.            | Dr. Velimir Stoykovitch (substitute |
| Greece:                              | for Dr. S. Y. Grouitch).            |
| Mr. Angelus Skinzopoulos.            | Mr. Marko Bauer.                    |
| Mr. Timoleon Lamprinopoulos.         | Siam:                               |
| Guatemala:                           | Phya Chanindr Bhakdi.               |
| Dr. Ramon Bengoechea.                | Spain:                              |
| Mr. Alfredo Palomo Rodriguez.        | Viscount de Eza.                    |
| Mr. Manuel Moreno.                   | Mr. Adolfo Gonzales Posada.         |
| India:                               | Mr. Alfonso Sala.                   |
| Mr. Narayan Malhar Joshi.            | Mr. Francisco Largo Caballero.      |
| Italy:                               | Sweden:                             |
| Baron Mayor des Planches.            | Judge A. Erik M. Sjöborg.           |
| Mr. G. di Palma Castiglione (substi- | Mr. A. Hermann Lindqvist.           |
| tute for Mr. A. Cabrini).            | Senator Halfred von Koch.           |
| Mr. Gino Baldesi.                    | Switzerland:                        |
| Japan:                               | Mr. Conrad Ilg.                     |
| Mr. Elkichi Kamada                   | Uruguay:                            |
| Mr. Sanji Muto.                      | Dr. Jacobo Varela.                  |
| Mr. Uhei Masumoto.                   |                                     |

NO—24.

|                                     |                                  |
|-------------------------------------|----------------------------------|
| Argentina:                          | Peru:                            |
| Mr. Hermenegildo Pini.              | Dr. Eduardo Higginson.           |
| Belgium:                            | Portugal:                        |
| Mr. Jules Carlier.                  | Mr. Alvaro de Lacerda.           |
| Brazil:                             | Roumania:                        |
| Mr. Carlos Sampaio.                 | Mr. C. Orghidan.                 |
| Canada:                             | Mr. Gregoire Michaesco.          |
| Mr. Gerald H. Brown (substitute for | South Africa:                    |
| Hon. Gideon D. Robertson).          | Mr. H. Warrington Smyth.         |
| Hon. Newton W. Rowell.              | Mr. William Gemmill.             |
| Mr. S. R. Parsons.                  | Sweden:                          |
| Cuba:                               | Senator R. G. Hjalmar von Sydow. |
| Dr. Carlos Armenteros.              | Switzerland:                     |
| Finland:                            | Dr. Hans Sulzer.                 |
| Mr. A. H. Saastamoinen.             | Dr. Hermann Rufenacht.           |
| Mr. Robert Lavonius.                | Mr. Dietrich Schindler.          |
| France:                             | Venezuela:                       |
| Mr. Louis Guérin.                   | Mr. César Zumeta.                |
| Great Britain:                      |                                  |
| Right. Hon. G. N. Barnes.           |                                  |
| Sir Malcolm Delevingne.             |                                  |
| Mr. D. S. Marjoribanks.             |                                  |

The PRESIDENT. The vote is 61 for, 24 against. The recommendation is therefore agreed to.

The question now recurs on the adoption of the third recommendation. The secretary will call the roll. Those in favor will vote yes. Those opposed will vote no.



[Roll call.]

YES—73.

Argentina:  
Dr. Felipe Espl.  
Mr. Leonidas Anastasi.  
Mr. Americo Balino.

Belgium:  
Mr. Ernest Mahaim.  
Mr. Cornelle Mertens.  
Mr. Michel Lévie.

Brazil:  
Mr. Carlos Sampaio.

Canada:  
Mr. Gerald H. Brown (substitute for Hon. Gideon D. Robertson).  
Hon. Newton W. Rowell.  
Mr. P. M. Draper.

Cuba:  
Dr. Carlos Armenteros.  
Dr. Francisco Carrera Justiz.

Czecho-Slovakia:  
Mr. Charles Spinka.  
Mr. R. Tayerle.  
Mr. J. Sousek.

Denmark:  
Mr. S. Neumann.  
Mr. C. V. Bramsnaes.  
Mr. H. Vestesen.  
Mr. C. F. Madsen.

Finland:  
Judge Nillo A. Mannio.  
Mr. Robert Lavonius.

France:  
Mr. Arthur Fontaine.  
Mr. Max Lazard.  
Mr. Léon Jouhaux.

Great Britain:  
Rt. Hon. G. N. Barnes.  
Sir Malcolm Delevingne.  
Mr. D. S. Marjoribanks.  
Mr. G. H. Stuart-Bunning.

Greece:  
Mr. John Sofianopoulos.  
Mr. Angelus Skinzopoulos.  
Mr. Timoleon Lamprinopoulos.

Guatemala:  
Mr. Francisco Sanchez Latour.  
Dr. Ramon Bengoechea.  
Mr. Alfredo Palomo Rodriguez.  
Mr. Manuel Moreno.

India:  
Mr. Narayan Malhar Joshi.

Italy:  
Baron Mayor des Planches.  
Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).

Italy—Continued.  
Comm. E. Baroni.  
Mr. Gino Baldesi.

Japan:  
Mr. Eikichi Kamada.  
Mr. Sanji Muto.  
Mr. Uhei Masumoto.

Netherlands:  
Mr. G. J. van Thienen.  
Mr. J. A. E. Verkade.  
Mr. J. Oudegeest.

Nicaragua:  
Señor Don Ramon Enriquez.

Norway:  
Judge Johan Castberg.  
Judge I. M. Lund.  
Mr. G. Paus.  
Mr. Jens Teigen (substitute for Mr. Ole Lian).

Paraguay:  
Dr. Manuel Gondra.  
Mr. Arturo Campos.

Peru:  
Mr. Carlos Prevost.  
Dr. Eduardo Higginson.

Poland:  
Mr. Franciszek Sokal.  
Mr. Jozef Rymer.

Portugal:  
Mr. Jose Barbosa.  
Mr. Alfredo Franco.

Serbs, Croats, and Slovenes:  
Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch).  
Mr. Marko Bauer.

Siam:  
Phya Chanindr Bhakdi.

South Africa:  
Mr. Archibald Crawford.

Spain:  
Viscount de Eza.  
Mr. Adolfo Gonzales Posada.  
Mr. Alfonso Sala.  
Mr. Francisco Largo Caballero.

Sweden:  
Judge Sjöborg.  
Mr. A. Hermann Lindqvist.  
Senator Halfred von Koch.

Switzerland:  
Dr. Hermann Rufenacht.  
Mr. Conrad Ilg.

Uruguay:  
Dr. Jacobo Varela.

NO—11.

Argentina:  
Mr. Hermenegildo Pini.

Belgium:  
Mr. Jules Carlier.

Canada:  
Mr. S. R. Parsons.

France:  
Mr. Louis Guérin.

Peru:  
Mr. Vicente Gonzales.

Portugal:  
Mr. Alvaro de Lacerda.

Roumania:  
Mr. Gregoire Michaelesco.

South Africa:  
Mr. H. Warrington Smyth.

Sweden:  
Senator R. G. Hjalmar von Sydow.

Switzerland:  
Dr. Hans Sulzer.  
Mr. Dietrich Schindler.

The PRESIDENT. The vote is 73 for, 11 against. The recommendation is, therefore, agreed to.

The question recurs on the adoption of the fourth recommendation.

The secretary will call the roll. Those in favor will vote yes; those opposed will vote no.

[Roll call.]

YES—83.

Argentina:  
Dr. Felipe Espl.  
Mr. Leonidas Anastasi.  
Mr. Americo Balino.

Belgium:  
Mr. Ernest Mahaim.  
Mr. Cornelle Mertens.  
Mr. Michel Lévie.

Canada:

Mr. Gerald H. Brown (substitute for Hon. Gideon D. Robertson).  
Hon. Newton W. Rowell.  
Mr. S. R. Parsons.  
Mr. P. M. Draper.

Cuba:

Dr. Carlos Armenteros.  
Dr. Francisco Carrera Justiz.

Czecho-Slovakia:

Mr. Charles Spinka.  
Mr. R. Tayerle.  
Mr. J. Sousek.

Denmark:

Mr. S. Neumann.  
Mr. C. V. Bramsnaes.  
Mr. H. Vestesen.  
Mr. C. F. Madsen.

Finland:

Mr. A. H. Saastamoinen.  
Mr. Robert Lavonius.

France:

Mr. Arthur Fontaine.  
Mr. Max Lazard.  
Mr. Léon Jouhaux.

Great Britain:

Right Hon. G. N. Barnes.  
Sir Malcolm Delevingne.  
Mr. D. S. Marjoribanks.  
Mr. G. H. Stuart-Bunning.

Greece:

Mr. John Sofianopoulos.  
Mr. Angelus Skinzopoulos.  
Mr. Timoleon Lamprinopoulos.

Guatemala:

Mr. Francisco Sanchez Latour.  
Mr. Ramon Bengoechea.  
Mr. Alfredo Ramon Rodriguez.  
Mr. Manuel Moreno.

India:

Mr. Narayan Malhar Joshi.

Italy:

Baron Mayor des Planches.  
Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).  
Comm. E. Baroni.  
Mr. Gino Baldesi.

Japan:

Mr. Eikichi Kamada.  
Dr. Minoru Oka.  
Mr. Sanji Muto.  
Mr. Uhei Masumoto.

Netherlands:

Mgr. W. H. Nolens.  
Mr. G. J. van Thienen.

Netherlands—Continued.

Mr. J. A. E. Verkade.  
Mr. J. Oudegeest.

Nicaragua:

Señor Don Ramon Enriquez.

Norway:

Judge Johan Castberg.  
Judge I. M. Lund.  
Mr. G. Paus.  
Mr. Jens Teigen (substitute for Mr. Ole Lian).

Paraguay:

Dr. Manuel Gondra.  
Mr. Arturo Campos.

Peru:

Mr. Carlos Prevost.  
Dr. Eduardo Higginson.  
Mr. Victor Pujazon.

Poland:

Mr. Franciszek Sokal.  
Mr. Jozef Rymer.  
Mr. Jan Zagleniczny.  
Mr. Edmund Bernatowicz.

Portugal:

Mr. Jose Barbosa.  
Mr. Alfredo Franco.

Roumania:

Mr. C. Orghidan.  
Mr. Gregoire Michaelesco.

Serbs, Croats, and Slovenes:

Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch).  
Mr. Marko Bauer.

Siam:

Phya Chanindr Bhakdi.

South Africa:

Mr. H. Warrington Smyth.  
Mr. Archibald Crawford.

Spain:

Viscount de Eza.  
Mr. Adolfo Gonzales Posada.  
Mr. Alfonso Sala.  
Mr. Francisco Largo Caballero.

Sweden:

Senator R. G. Hjalmar von Sydow.  
Mr. A. Hermann Lindqvist.  
Senator Halfred von Koch.

Switzerland:

Dr. Hans Sulzer.  
Dr. Hermann Rufenacht.  
Mr. Conrad Ilg.

Uruguay:

Dr. Jacobo Varela.

NO—4.

Argentina:

Mr. Hermenegildo Pini.

Belgium:

Mr. Jules Carlier.

Peru:

Mr. Vicente Gonzales.

Switzerland:

Mr. Dietrich Schindler.

The PRESIDENT. The vote is 83 for, 4 against. The recommendation is therefore agreed to.

The question now recurs on the draft convention concerning unemployment.

The secretary will call the roll. Those in favor will vote yes; those opposed will vote no.

[Roll call.]

YES—88.

Argentina:

Dr. Felipe Espl.  
Mr. Leonidas Anastasi.  
Mr. Hermenegildo Pini.  
Mr. Americo Balino.

Belgium:

Mr. Ernest Mahaim.  
Mr. Cornelle Mertens.  
Mr. Michel Lévie.

Brazil:

Mr. Carlos Sampaio.

Canada:

Hon. Gideon D. Robertson.  
Hon. Newton W. Rowell.

Canada—Continued.

Mr. S. R. Parsons.  
Mr. P. M. Draper.

Cuba:

Dr. Carlos Armenteros.  
Dr. Francisco Carrera Justiz.

Czecho-Slovakia:

Mr. Charles Spinka.  
Mr. R. Tayerle.  
Mr. J. Sousek.

Denmark:

Mr. S. Neumann.  
Mr. C. V. Bramsnaes.  
Mr. H. Vestesen.  
Mr. C. F. Madsen.



|  |  |  |  |
|--|--|--|--|
| Finland:<br>Mr. A. H. Saastamoinen.<br>Judge Nillo A. Mannio.<br>Mr. Robert Lavonius.  | Paraguay:<br>Dr. Manuel Gondra.<br>Mr. Arturo Campos.  | Great Britain:<br>Right Hon. G. N. Barnes.<br>Sir Malcolm Delevingne.<br>Mr. D. S. Marjoribanks.<br>Mr. G. H. Stuart-Bunning.  | Peru:<br>Mr. Carlos Prevost.<br>Dr. Eduardo Higginson<br>Mr. Vicente Gonzales.<br>Mr. Victor Pujazon.                              |
| France:<br>Mr. Arthur Fontaine.<br>Mr. Max Lazard.<br>Mr. Léon Jouhaux.  | Peru:<br>Mr. Carlos Prevost.<br>Dr. Eduardo Higginson<br>Mr. Vicente Gonzales.<br>Mr. Victor Pujazon.            | Greece:<br>Mr. John Sofianopoulos.<br>Mr. Angelus Skinzopoulos.<br>Mr. Eugene Cantacuzène.<br>Mr. Timoleon Lamprinopoulos.   | Poland:<br>Mr. Franciszek Sokal.<br>Mr. Jozef Rymer.<br>Mr. Jan Zagleniczny.<br>Mr. Edmund Bernatowicz.                            |
| Great Britain:<br>Right Hon. G. N. Barnes.<br>Sir Malcolm Delevingne.<br>Mr. D. S. Marjoribanks.<br>Mr. G. H. Stuart-Bunning.                    | Poland:<br>Mr. Franciszek Sokal.<br>Mr. Jozef Rymer.<br>Mr. Jan Zagleniczny.<br>Mr. Edmund Bernatowicz.          | Guatemala:<br>Mr. Manuel Moreno.   | Portugal:<br>Mr. Jose Barbosa.<br>Mr. Alfredo Franco.  |
| Greece:<br>Mr. John Sofianopoulos.<br>Mr. Angelus Skinzopoulos.<br>Mr. Timoleon Lamprinopoulos.  | Portugal:<br>Mr. Jose Barbosa.<br>Mr. Alfredo Franco.  | India:<br>Mr. Narayan Malhar Joshi<br>Dr. L. J. Kershaw.   | Roumania:<br>Mr. C. Orghidan.<br>Mr. Gregoire Michaeasco.  |
| Guatemala:<br>Mr. Francisco Sanchez Latour.<br>Dr. Ramon Bengoechea.<br>Mr. Alfredo Palomo Rodriguez.<br>Mr. Manuel Moreno.                      | Roumania:<br>Mr. C. Orghidan.<br>Mr. Gregoire Michaeasco.  | Italy:<br>Baron Mayor des Planches.<br>Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).<br>Comm. E. Baroni.  | Serbs, Croats, and Slovenes:<br>Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch).<br>Mr. Marko Bauer.                   |
| India:<br>Mr. Narayan Malhar Joshi.  | Siam:<br>Phya Prabha Karavongse.<br>Phya Chanindr Bhakdi.  | Japan:<br>Mr. Eikichi Kamada.<br>Dr. Minoru Oka.<br>Mr. Sanji Muto<br>Mr. Uhei Masumoto.   | Siam:<br>Phya Chanindr Bhakdi.   |
| Italy:<br>Baron Mayor des Planches.<br>Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).<br>Comm. E. Baroni.<br>Mr. Gino Baldesi.     | Serbs, Croats, and Slovenes:<br>Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch).<br>Mr. Marko Bauer. | Netherlands:<br>Mgr. W. H. Nolens.<br>Mr. G. J. van Thienen.<br>Mr. J. A. E. Verkade.<br>Mr. J. Oudegeest.   | South Africa:<br>Mr. H. Warington Smyth.<br>Mr. Archibald Crawford   |
| Japan:<br>Mr. Eikichi Kamada.<br>Dr. Minoru Oka.<br>Mr. Sanji Muto.<br>Mr. Uhei Masumoto.  | South Africa:<br>Mr. H. Warington Smyth.<br>Mr. Archibald Crawford   | Norway:<br>Judge Johan Castberg.<br>Judge I. M. Lund.<br>Mr. Jens Teigen (substitute for Mr. Ole Lian).  | Spain:<br>Viscount de Eza.<br>Mr. Adolfo Gonzales Posada.<br>Mr. Alfonso Sala.<br>Mr. Francisco Largo Caballero                    |
| Netherlands:<br>Mgr. W. H. Nolens.<br>Mr. G. J. van Thienen.<br>Mr. J. A. E. Verkade.<br>Mr. J. Oudegeest.                                       | Spain:<br>Viscount de Eza.<br>Mr. Adolfo Gonzales Posada.<br>Mr. Alfonso Sala.<br>Mr. Francisco Largo Caballero  | Sweden:<br>Judge A. Erik M. Sjöborg.<br>Senator R. G. Hjalmar von Sydow.<br>Mr. A. Hermann Lindqvist.<br>Senator Halfred von Koch.   | Sweden:<br>Judge A. Erik M. Sjöborg.<br>Senator R. G. Hjalmar von Sydow.<br>Mr. A. Hermann Lindqvist.<br>Senator Halfred von Koch. |
| Nicaragua:<br>Señor Don Ramon Enriquez.  | Switzerland:<br>Dr. Hans Sulzer.<br>Dr. Hermann Rufenacht.<br>Mr. Conrad Ilg.                                    | Switzerland:<br>Dr. Hans Sulzer.<br>Dr. Hermann Rufenacht.<br>Mr. Conrad Ilg.  | Switzerland:<br>Dr. Hans Sulzer.<br>Dr. Hermann Rufenacht.<br>Mr. Conrad Ilg.  |
| Norway:<br>Judge Johan Castberg.<br>Judge I. M. Lund.<br>Mr. G. Paus.<br>Mr. Jens Telgen (substitute for Mr. Ole Lian).                          | Switzerland:<br>Dr. Hans Sulzer.<br>Dr. Hermann Rufenacht.<br>Mr. Conrad Ilg.                                    | Uruguay:<br>Dr. Jacobo Varela.   | Uruguay:<br>Dr. Jacobo Varela.   |
| Belgium:<br>Mr. Jules Carlier.   | Portugal:<br>Mr. Alvaro de Lacerda.  | No—4.  | No—4.  |
| France:<br>Mr. Louis Guérin.   | Switzerland:<br>Mr. Dietrich Schindler.  |  |  |
| The PRESIDENT. The vote is 88 for, 4 against. The convention is therefore agreed to.   |  |  |  |
| The question recurs on the draft convention limiting the hours of work in industrial undertakings to 8 in the day and 48 in the week.            |  |  |  |
| The Secretary will call the roll. Those in favor will vote yes; those opposed will vote no.  |  |  |  |
| [Roll call.]   |  |  |  |
| YES—82.  |  |  |  |
| Argentina:<br>Dr. Felipe Espil.<br>Mr. Leonidas Anastasi.<br>Mr. Hermenegildo Pini.<br>Mr. Americo Balino.                                       | Czecho-Slovakia:<br>Mr. Charles Spinka.<br>Mr. F. Hodacz.<br>Mr. R. Tayerle.<br>Mr. J. Sousek.                   | The PRESIDENT. The vote is 82 for, 2 against, and 1 abstention. The convention is therefore agreed to. [Applause.]   |  |
| Belgium:<br>Mr. Ernest Mahaim.<br>Mr. Jules Carlier.<br>Mr. Cornelle Mertens.<br>Mr. Armand Julin (substitute for Mr. Michel Lévie).             | Denmark:<br>Mr. S. Neumann.<br>Mr. C. V. Bramsuaes.<br>Mr. H. Vestesen.<br>Mr. C. F. Madsen.                     | That concludes the number of conventions and recommendations before the conference for this afternoon, with the exception of the convention relative to maternity. That has not yet been distributed to the conference. I desire to know what the wishes of the conference are relative to remaining here for the consideration of that convention later on, or adjourning until to-morrow.  |  |
| Brazil:<br>Mr. Carlos Sampaio.   | Finland:<br>Mr. A. H. Saastamoinen.<br>Judge Nillo A. Mannio.<br>Mr. Robert Lavonius.                            | SEVERAL MEMBERS. Adjourn.  |  |
| Canada:<br>Mr. Gerald Brown (substitute for Hon. Gideon D. Robertson).<br>Hon. Newton W. Rowell.<br>Mr. P. M. Draper.                            | France:<br>Mr. Arthur Fontaine.<br>Mr. Max Lazard.<br>Mr. Louis Guérin.<br>Mr. Léon Jouhaux.                     | The PRESIDENT. Mr. Hudson desires to make a statement on behalf of the drafting committee.   |  |
| Cuba:<br>Dr. Carlos Armenteros.<br>Dr. Francisco Carrera Justiz.   | France:<br>Mr. Arthur Fontaine.<br>Mr. Max Lazard.<br>Mr. Louis Guérin.<br>Mr. Léon Jouhaux.                     | Mr. HUDSON (legal adviser). Mr. President, the convention concerning the employment of women before and after childbirth was referred to the drafting committee at 3 o'clock this afternoon. The drafting committee had prepared a revised text of the convention as drawn by the commission. That text did not include the amendments which were adopted to-day. That text was prepared in the form of a corrected printer's proof. It could not be printed or mimeographed because until 3 o'clock no action had been taken by the conference. I can assure you, however, that the changes made by the drafting committee do not work any change in meaning of the draft as adopted by the conference at 3 o'clock. If you desire, therefore, to vote on the draft adopted by the conference, leaving to the drafting committee the permission to make in that draft the same kind of changes which it has made in the other drafts which you have already adopted, it seems to me that action can be taken this afternoon. However, before action is taken it will be necessary for the drafting committee to have the opinion of the conference concerning the meaning of the votes which were taken this morning. |  |
| Those votes are in some respects contradictory. The drafting committee has therefore prepared three alternatives to place before the conference: |  |  |  |
| 1. The draft as we have revised it and as it was left by the commission.   |  |  |  |



2. That draft with the first amendment which was proposed by the Spanish delegation this morning, and which was accepted by the conference.

3. The third alternative is that same draft with the amendment proposed by Mr. Jouhaux and accepted by the conference.

If you care, therefore, to vote upon a text which is not yet definitive, but which will be made definitive by the drafting committee, we will place before you the alternatives involved in your amendments this morning, and a decision can be taken as to which of the three lines the conference wishes to follow.

[Mr. Lazard thereupon addressed the conference in French, in effect the same as the statement of Mr. Hudson.]

Mr. HUDSON (legal adviser). Mr. President, since I made my statement in English it needs to be corrected, because Mr. Max Lazard has just brought in the mimeographed copies of the drafting committee's text of the convention without the amendments passed to-day. We are able, therefore, to place before you the drafting committee's text of the convention without to-day's amendments. We will then place before you the two other alternatives involved in the amendments this morning, so that I think if you will wait and receive these copies that are about to be distributed we can take definitive action this afternoon.

Mr. LAZARD (France). We are going to distribute these texts and you will be able to vote on them. I have here only the French text. The English text is on the way.

Mr. CARLIER (Belgium). Mr. President.

The PRESIDENT. Mr. Carlier is recognized.

Mr. CARLIER (Belgium). The great difficulty is this: The conference voted this morning on three amendments in succession. It voted once upon one understanding, it voted a second time with another understanding of the matter, and it voted a third time with the same understanding as the first time. In consequence, we are really faced with the difficulty of getting a practically uniform vote of the conference, for in spite of all the texts and all the proposals you submit, the resolutions still hold good. There will always arise something which we can not admit, a diversity and a lack of uniformity against which you can do nothing. There is only one way of getting out of the difficulty and that is to put the amendments themselves to a vote again, and I do not think the conference has decided to enter upon that path at present.

Mr. ROWELL (Canada). Mr. President.

The PRESIDENT. Mr. Rowell.

Mr. ROWELL (Canada). Will it be necessary for the conference to meet to-morrow to call up unfinished business? I was under the impression from information received from the Secretary General that it would be necessary.

The PRESIDENT. The Chair is advised that it will be necessary to have a conference to-morrow, and those who are pressing for the consideration of this motion to-night are doing so because they fear that there will not be a quorum present to-morrow, and while that quorum might, that question not being raised, be able to transact the other business before the conference, it would not be able to transact business on a roll call, because that would disclose the lack of a quorum, which I understand is the reason why they are desirous of pressing it for consideration to-night.

May I make this suggestion? Rushing an important question through at the close of a session is a very dangerous precedent to establish. The conference ought to have the opportunity of examining this matter that has been presented to us. It has only been presented now. If there is going to be present to-morrow a sufficient number to constitute a quorum, the wise course for the conference to pursue would be to defer action until to-morrow. I would, therefore, ask those who expect to be present to-morrow to raise their right hands and keep them raised until counted, so that we may know whether they will constitute a quorum.

Those who expect to be present raise their right hands and keep them raised until counted.

The SECRETARY GENERAL. The governing body is sitting next door, and we ought to know who of the governing body would be present.

[Count taken.]

The PRESIDENT. There are 81 of those who are here who expect to be present, besides those who are meeting with the governing board. That is more than a quorum.

The hour of adjournment having arrived the conference will adjourn until 10 o'clock to-morrow morning.

[Whereupon, at 6.03 o'clock p. m., an adjournment was taken to Saturday, November 29, 1919, at 10 o'clock a. m.]

The following is the list of delegates present.

|   |  |
|---|--|
| Argentina:  | Guatemala:   |
| Dr. Felipe Espil.   | Mr. Francisco Sanchez Latour.                                |
| Mr. Alejandro Unsain (substitute for Mr. Americo Balino).   | Dr. Ramon Bengoechea.  |
| Mr. Hermenegildo Pini.                                      | Mr. Alfredo Palomo Rodriguez.                                |
| Belgium:  | Mr. Manuel Moreno.   |
| Mr. Ernest Mahaim.  | Haiti:   |
| Mr. Jules Carlier.  | Mr. Charles Moravia.   |
| Mr. Corneille Mertens.                                      | India:   |
| Mr. Armand Julin (substitute for Mr. Michel Lévie).         | Mr. Atul Chandra Chatterjee.                                 |
| Brazil:   | Mr. Alexander Robertson Murray.                              |
| Mr. Afranio de Mello Franco.                                | Mr. Narayan Malhar Joshi.                                    |
| Mr. Fausto Ferraz.  | Mr. L. J. Kershaw.   |
| Canada:   | Italy:   |
| Mr. F. A. Acland (substitute for Hon. Gideon D. Robertson). | Baron Mayor des Planches.                                    |
| Hon. Newton W. Rowell.                                      | Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini). |
| Mr. S. P. Parsons.  | Comm. E. Baroni.   |
| Mr. P. M. Draper.   | Mr. Gino Baldesi.  |
| Chile:  | Japan:   |
| Mr. Gustavo Munizaga Varela.                                | Mr. Eikichi Kamada.  |
| Mr. Felix Nieto del Rio.                                    | Dr. Minoru Oka.  |
| China:  | Mr. Sanji Muto.  |
| Mr. Yung Kwai.  | Mr. Uhei Masumoto.   |
| Mr. Lingoh Wang.  | Netherlands:   |
| Colombia:   | Mgr. W. H. Nolens.   |
| Dr. Carlos Adolfo Urueta.                                   | Mr. G. J. van Thienen.                                       |
| Cuba:   | Mr. J. A. E. Verkade.  |
| Mr. Carlos Armenteros.                                      | Mr. J. Oudegeest.  |
| Mr. Francisco Carrera Justiz.                               | Nicaragua:   |
| Mr. Luis Rosainz.   | Señor Don Ramon Enriquez.                                    |
| Czecho-Slovakia:  | Norway:  |
| Mr. Charles Spinka.   | Judge Johan Castberg.  |
| Mr. F. Hodacz.  | Judge I. M. Lund.  |
| Mr. R. Tayerle.   | Mr. G. Paus.   |
| Mr. J. Sousek.  | Mr. Jens Telgen (substitute for Mr. Ole Lian).               |
| Denmark:  | Mr. Th. G. Thorsen.  |
| Mr. S. Neumann.   | Panama:  |
| Mr. C. V. Bramsnaes.  | Mr. Andres Mojica.   |
| Mr. H. Vestesen.  | Mr. Jorge Luis Paredas.                                      |
| Mr. Peder Hedeboel (substitute for Mr. C. F. Madsen).       | Mr. Frederico Calvo.   |
| Ecuador:  | Mr. Jose Antonio Zubieta.                                    |
| Dr. Don Rafael H. Elizalde.                                 | Mr. J. E. Lefevre.   |
| Mr. J. Cueva Garcia.  | Paraguay:  |
| Finland:  | Dr. Manual Gondra.   |
| Mr. A. H. Saastamoinen.                                     | Persia:  |
| Judge Niilo A. Mannio.                                      | Mirza Abdul Ali Khan.  |
| Mr. Robert Lavonius.  | Mirza Ali Asghar Khan.                                       |
| Mr. Matti Paasivuori.                                       | Peru:  |
| France:   | Mr. Carlos Prevost.  |
| Mr. Arthur Fontaine.  | Mr. Eduardo Higginson.                                       |
| Mr. Max Lazard.   | Mr. Vicente Gonzales.  |
| Mr. Louis Guérin.   | Mr. Victor Pujazon.  |
| Mr. Léon Jouhaux.   | Poland:  |
| Great Britain:  | Mr. Franciszek Sokal.  |
| Rt. Hon. G. N. Barnes.                                      | Mr. Jozef Rymer.   |
| Sir Malcolm Delevingne.                                     | Mr. Jan Zagleniczny.   |
| Mr. D. S. Marjoribanks.                                     | Mr. Edmund Bernatowicz.                                      |
| Miss MacArthur (substitute for Mr. G. H. Stuart-Bunning).   | Portugal:  |
| Greece:   | Mr. Jose Barbosa.  |
| Mr. John Sofianopoulos.                                     | Mr. Alvaro de Lacerda.                                       |
| Mr. Angelus Skinzopoulos.                                   | Roumania:  |
| Mr. Eugene Cantacuzène.                                     | Mr. C. Orghidan.   |
| Mr. Timoleon Lamprinopoulos.                                | Mr. Gregoire Miclaesco.                                      |
|   | Salvador:  |
|   | Mr. Salvador Sol.  |



## Serbs, Croats and Slovenes:

Dr. S. Y. Grouitch.  
Mr. Marko Bauer.

## Siam:

Phya Prabha Karavongse.  
Phya Chanindr Bhakdi.

## South Africa:

Mr. H. Warrington Smyth.  
Mr. Archibald Crawford.  
Mr. William Gemmill.

## Spain:

Viscount de Eza.  
Mr. Adolfo Gonzalez Posada.  
Mr. Alfonso Sala.  
Mr. Francisco Largo Caballero.  
Mr. J. Gascon.

## Sweden:

Judge A. Erik M. Sjöborg  
Dr. Gunnar Huss.

## Sweden—Continued.

Senator R. G. Halfred von Sydow.  
Mr. A. Herman Lindqvist.  
Senator G. H. von Koch.

## Switzerland:

Dr. Hans Sulzer.  
Dr. Hermann Rufenacht.  
Mr. Dietrich Schindler.  
Mr. Conrad Ilg.

## Uruguay:

Dr. Jacobo Varela.  
Venezuela  
Dr. S. A. Dominici.  
Mr. César Zumeta.

## TWENTY-FIFTH SESSION—SATURDAY, NOVEMBER 29, 1919.

The conference convened at 10.15 o'clock a. m., Hon. W. B. Wilson, president of the conference, presiding.

The PRESIDENT. The conference will be in order. The secretary will make announcements.

The SECRETARY GENERAL. The governing body decided at a further meeting yesterday that the International Labor Office should be located provisionally in London, which is at present the temporary seat of the secretariat of the League of Nations. The president of the governing body and the secretary general were requested to confer with the provisional director with a view to the necessary steps being taken immediately to begin the formation of the office. Until further notice the address of the International Labor Office will be Sunderland House, Curzon Street, London, W. 1. The next meeting of the governing body will take place in Paris on January 26, 1920.

The final record of the proceedings of the conference will be printed in English and French before the end of December. Each delegate will be furnished with a bound copy for his personal use, and each delegation will receive through its Government 43 copies. It is also proposed to place the record on sale at cost price, which will be approximately \$1.25 per copy bound in cloth and 40 cents per copy bound in paper. Applications should be made either to Mr. Hugh Reid, United States Department of Labor, Washington, D. C., or to the International Labor Office, Sunderland House, Curzon Street, London, W. 1.

The PRESIDENT. The order of business this morning is the consideration of the draft convention concerning the employment of women before and after childbirth. There seems to be doubt as to what the action of the conference has been on this subject. It is necessary, before the final draft be disposed of, that the doubt concerning the action of the conference be cleared up. The Chair suggests that a vote be taken first upon whether the draft convention shall include industry, commerce, and agriculture, and, in the event of that being disposed of in the negative, as to whether it shall include industry and commerce, and, in the event of that being disposed of in the negative, then on the original proposition, including industry.

Without objection that course will be pursued.

The Chair hears none.

The question will recur upon whether the convention shall include industry, commerce, and agriculture. The secretary will call the roll.

The Chair was in error about the calling of the roll in connection with the adoption of this proposition.

The question is upon whether "industry, commerce, and agriculture" shall be included in the draft.

Mr. JOUHAUX (France). Mr. President.

The PRESIDENT. Mr. Jouhaux.

Mr. JOUHAUX (France). I ask that the roll be called on all three votes.

The PRESIDENT. It requires 20 members to demand a roll call. The secretary will count.

[Count taken.]

There is a sufficient number. The roll will be called. The secretary will call the roll. Those in favor will vote yes; those opposed will vote no.

[Roll call.]

YES—30.

## Belgium:

Mr. Clornelle Mertens.

## Czechoslovakia:

Mr. Charles Spinka.  
Mr. R. Tayerle.

## Denmark:

Mr. C. F. Madsen.

## France:

Mr. Arthur Fontaine.  
Mr. Max Lazard.  
Mr. Léon Jouhaux.

## Greece:

Mr. John Sofianopoulos.  
Mr. Angelus Skinzopoulos.  
Mr. Timoleon Lamprinopoulos.

## Guatemala:

Mr. Manuel Moreno.

## India:

Mr. Narayan Malhar Joshi.

## Italy:

Baron Mayor des Planches.  
Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).  
Comm. E. Baroni.

## Netherlands:

Mgr. W. H. Nolens.  
Mr. G. J. van Thienen.  
Mr. J. Oudegeest.

## Nicaragua:

Señor Don Ramon Enriquez.

## Paraguay:

Dr. Manuel Gondra.

## Peru:

Mr. Carlos Prevost.  
Mr. Victor Pujazon.

## Poland:

Mr. Franciszek Sokal.  
Mr. Jozef Rymer.  
Mr. Edmund Bernatowicz.

## Portugal:

Mr. Alfredo Franco.

## Spain:

Mr. Francisco Largo Caballero.

## Switzerland:

Mr. Conrad Ilg.

## Uruguay:

Dr. Jacobo Varela.

## Venezuela:

Mr. Nicolas Veloz.

NO—51.

## Argentina:

Dr. Felipe Espil.  
Mr. Leonidas Anastasi.  
Mr. Hermenegildo Pini.

## Belgium:

Mr. Ernest Mahaim  
Mr. Jules Carlier.  
Mr. Michel Lévie.

## Brazil:

Mr. Carlos Sampaio.

## Canada:

Mr. Gerald H. Brown (substitute for Hon. Gideon D. Robertson).  
Hon. Newton W. Rowell.  
Mr. S. R. Parsons.  
Mr. P. M. Draper.

## Cuba:

Dr. Carlos Armenteros.  
Dr. Francisco Carrera Justiz.

## Denmark:

Mr. S. Neumann.  
Mr. C. V. Bramsnaes.  
Mr. H. Vestesen.

## Finland:

Judge Niilo A. Mannio.  
Mr. Robert Lavonius.

## France:

Mr. Louis Guérin.

## Great Britain:

Right Hon. G. N. Barnes.  
Sir Malcolm Delevingne.  
Mr. D. S. Marjoribanks.  
Mr. G. H. Stuart-Bunning.

## Guatemala:

Dr. Ramon Bengoechea.  
Mr. Alfredo Palomo Rodriguez.

## India:

Dr. L. J. Kershaw.

## Japan:

Mr. Eikichi Kamada.  
Dr. Minoru Oka.  
Mr. Sanji Muto.  
Mr. Uhei Masumoto.

## Netherlands:

Mr. J. A. E. Verkade.

## Norway:

Judge Johan Castberg.  
Judge I. M. Lund.  
Mr. G. Paus.

## Persia:

Mirza Abdul Ali Khan.

## Peru:

Mr. Vicente Gonzales.

## Portugal:

Mr. Alvaro de Lacerda.  
Mr. Jose Barbosa.

## Roumania:

Mr. Gregoire Micaesco.

## Serbs, Croats, and Slovenes:

Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch).  
Mr. Marko Bauer.

## Siam:

Phya Chanindr Bhakdi.

## South Africa:

Mr. H. Warrington Smyth.  
Mr. William Gemmill.

## Spain:

Mr. Alfonso Sala.

## Sweden:

Judge A. Erik M. Sjöborg.  
Senator R. G. Hjalmar von Sydow.  
Mr. A. Hermann Lindqvist.  
Senator Halfred von Koch.

## Switzerland:

Dr. Hans Sulzer.  
Dr. Hermann Rufenacht.



The PRESIDENT. The vote is 51 against and 30 in favor. The amendment is therefore not agreed to.

The question now recurs upon whether the draft convention shall include industry and commerce.

Mr. ROWELL (Canada). Mr. President, just one question. Have not all the conventions so far adopted by the conference been limited to industry, and will not this be a departure in principle from all the conventions so far adopted by the conference?

The PRESIDENT. The question is not in order at this time, as we are voting and not discussing the substance of the amendment.

The question recurs upon amending the draft to include industry and commerce. The Chair understands that the roll call applies to all of the three amendments and, therefore, the secretary will call the roll. Those in favor will vote yes. Those opposed will vote no. [Roll call.]

## YES—49.

|  |  |
|--|--|
| Argentina:<br>Mr. Americo Balino.  | Netherlands:<br>Mgr. W. H. Nolens.   |
| Belgium:<br>Mr. Ernest Mahaim.<br>Mr. Corneille Mertens.   | Mr. G. J. van Thienen.<br>Mr. J. Oudegeest.  |
| Brazil:<br>Mr. Afranio de Mello Franco.  | Nicaragua:<br>Señor Don Ramon Enriquez.  |
| Canada:<br>Mr. P. M. Draper.   | Norway:<br>Mr. Jens Teigen (substitute for Mr. Ole Lian).  |
| Chile:<br>Mr. Felix Nieto del Rio.   | Paraguay:<br>Dr. Manuel Gondra.  |
| Cuba:<br>Dr. Carlos Armenteros.<br>Dr. Francisco Carrera Justiz.   | Peru:<br>Mr. Carlos Prevost.<br>Dr. Eduardo Higginson.<br>Mr. Victor Pujazon.                                    |
| Czechoslovakia:<br>Mr. R. Tayerle.<br>Mr. J. Sousek.   | Poland:<br>Mr. Franciszek Sokal.<br>Mr. Jozef Rymer.<br>Mr. Edmund Bernatowicz.                                  |
| Denmark:<br>Mr. C. F. Madsen.  | Portugal:<br>Mr. Alfredo Franco.   |
| Finland:<br>Judge Niilo A. Mannio.   | Roumania:<br>Mr. Gregoire Michaelesco.   |
| France:<br>Mr. Arthur Fontaine.<br>Mr. Max Lazard.<br>Mr. Léon Jouhaux.  | South Africa:<br>Mr. Archibald Crawford.   |
| Greece:<br>Mr. Angelus Skinopoulos.<br>Mr. Timoleon Lamprinopoulos.  | Spain:<br>Viscount de Eza.<br>Mr. Adolfo Gonzales Posada.<br>Mr. Alfonso Sala.<br>Mr. Francisco Largo Caballero. |
| Guatemala:<br>Mr. Alfredo Palomo Rodriguez.<br>Mr. Manuel Moreno.  | Sweden:<br>Mr. A. Hermann Lindqvist.   |
| Italy:<br>Baron Mayor des Planebes.<br>Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).<br>Comm. E. Baroni.<br>Mr. Gino Baldesi. | Switzerland:<br>Dr. Hans Sulzer.<br>Dr. Hermann Rufenacht.<br>Mr. Conrad Ilg.                                    |
| Japan:<br>Mr. Uhei Masumoto.   | Uruguay:<br>Dr. Jacobo Varela.   |
|  | Venezuela:<br>Mr. César Zumeta.  |

## No—41.

|   |   |
|---|---|
| Argentina:<br>Dr. Felipe Espil.<br>Mr. Leonidas Anastasi.<br>Mr. Hermenegildo Pini.   | Greece:<br>Mr. Eugene Cantacuzène.                                    |
| Belgium:<br>Mr. Jules Carlier.<br>Mr. Michel Lévie.   | Guatemala:<br>Mr. Francisco Sanebez Latour.<br>Dr. Ramon Bengochea.   |
| Canada:<br>Mr. Gerald H. Brown (substitute for Hon. Gideon D. Robertson).<br>Hon. Newton W. Rowell.<br>Mr. S. R. Parsons.     | India:<br>Dr. L. J. Kershaw.  |
| Denmark:<br>Mr. S. Neumann.<br>Mr. C. V. Bramsnaes.<br>Mr. H. Vestesen.   | Japan:<br>Mr. Eikichi Kamada.<br>Dr. Minoru Oka.<br>Mr. Sanji Muto.   |
| Finland:<br>Mr. Robert Lavonius.  | Netherlands:<br>Mr. J. A. E. Verkade.                                 |
| Great Britain:<br>Right Hon. G. N. Barnes.<br>Sir Malcolm Delevingne.<br>Mr. D. S. Marjoribanks.<br>Mr. G. H. Stuart-Bunning. | Norway:<br>Judge Johan Castberg.<br>Judge I. M. Lund.<br>Mr. G. Paus. |
|   | Persia:<br>Mirza Abdul Ali Khan.                                      |
|   | Peru:<br>Mr. Vicente Gonzales.  |
|   | Poland:<br>Mr. Jan Zaglenczny.  |

## Portugal:

Mr. Alvaro de Lacerda.  
Mr. Jose Barbosa.  
Serbs, Croats, and Slovenes:  
Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch).  
Mr. Marko Bauer.  
Siam:  
Phya Chanindr Bhakdi.

## South Africa:

Mr. H. Warrington Smyth.  
Mr. William Gemmill.

## Sweden:

Judge A. Erik M. Sjöborg.  
Senator R. G. Hjalmar von Sydow.  
Senator Halfred von Koch.

## Switzerland:

Mr. Dietrich Schindler.

The PRESIDENT. The vote is 49 for, 41 against, 1 abstention. The amendment is therefore agreed to. [Applause.]

Mr. EDSTROM (Sweden). Mr. President.

The PRESIDENT. Mr. Edstrom.

Mr. EDSTROM (Sweden). I want to raise the question if on this point there ought not to be a two-thirds majority, because, ladies and gentlemen—

SEVERAL DELEGATES. No!

The PRESIDENT. Mr. Edstrom raises a point of order.

Mr. EDSTROM (Sweden) (continuing). Because if it is not, the minority will vote against the whole convention and the whole convention will fall, and we will have no result at all. Therefore, I raise the point if this ought not to be carried by a two-thirds majority.

The PRESIDENT. The question as to whether or not the result of this vote would have the effect of defeating the forthcoming vote, has nothing whatever to do with the parliamentary procedure. The amendment you have just voted upon is in exactly the same position as if you had been considering the report of the committee de novo. It stands in exactly the same position as if an amendment had been offered during the time that the report of the commission was under consideration; and, standing in that position, a majority vote is all that is necessary to put it into the draft. After it has been placed in the draft then it requires a two-thirds majority to adopt the draft. The point of order is not well taken.

Mr. MARIN (Spain). I take the liberty of calling your attention to the point which has just been raised. As regards the different questions studied by the conference, when the reports of the committees and the amendments proposed in these reports were being discussed, some delegates voted for or against, which did not prevent them, when it was a question of general approval of the draft convention, from voting in the affirmative. We are in an analogous situation to-day, and I am of the opinion that what we have just done can not affect the final outcome of the draft convention which will be referred to the drafting committee.

The PRESIDENT. The question now recurs on whether or not the words "or by means of a system of insurance" shall be stricken out of the original draft. May I state that the drafting committee is in doubt as to whether the draft should include the words "or by means of a system of insurance," or whether those words should be left out and the compensation paid solely by the Governments? The drafting committee therefore asks that the conference vote on the following motion:

Moved that the words "or by means of a system of insurance" be deleted from article 3.

Mr. JOUHAUX (France). In both cases there is an insurance system.

Mr. ROWELL (Canada). Mr. President, might we have article 3 read? The English copies of the drafting committee's report have not been distributed here. We received the French. I asked for copies of the English, and they said they were not ready.

The PRESIDENT. Paragraph (c) to which the amendment applies—paragraph (c) of article 3—will be read for the information of the conference. The entire article will be read.

Mr. HUDSON (legal adviser). The drafting committee's text of article 3 is as follows: "In any public or private industrial undertaking," by reason of the last vote we now add the words "or commercial," so it will read:

In any public or private industrial or commercial undertaking or in any branch thereof other than an undertaking in which only members of the same family are employed, a woman—

(a) Shall not be permitted to work during the six weeks following her confinement.



(b) Shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks.

(c) Shall while she is absent from her work, in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of herself and her child provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and, as an additional benefit, shall be entitled to free attendance by a doctor or certified midwife. No mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place.

(d) Shall, in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

The PRESIDENT. The question is on the motion that the words "or by means of a system of insurance" be deleted from the draft. Those in favor will vote yes; those opposed will vote no; and the secretary will call the roll.

Mr. JOUHAUX (France). I should like to make a few explanations just the same, unless the commission on drafting makes the decision for me.

Mr. CASTIGLIONE (Italy). Mr. President, I want to call the attention of the Chair to the fact that I think there is a misunderstanding here. Mr. Jouhaux has asked to be recognized to give some explanation on the meaning of his proposal. He has not been recognized. I think that before coming to a vote it is necessary to have the explanation of Mr. Jouhaux.

Mr. BARNES (Great Britain). I should like to say a word on that, Mr. Chairman.

The PRESIDENT. Mr. Barnes.

Mr. BARNES (Great Britain). I do not want to talk, Mr. Chairman, unless there be discussion. What I want to say is that if there is to be discussion I want to take part, and I want to put something very strongly to this meeting as to the time that has been wasted upon theoretical speculation instead of devoting the time to this yesterday.

Mr. ROWELL (Canada). Mr. President, a point of order. When I rose to ask a question in reference to one of the other votes that was being put to the conference, I understood you to rule that it was out of order, because I assumed that the ruling was that we were to vote instead of discuss. There was to be no discussion on these matters.

The PRESIDENT. The point of order is well taken.

Mr. ROWELL (Canada). If that is so, then we must vote instead of discuss.

Mr. EDSTROM (Sweden). Mr. President, I want a word, too. If there will be any discussion I want to speak, too.

The PRESIDENT. We are in the process of voting, by direction of the conference itself, and further discussion would not be in order. We will take a vote upon the question before the house.

Mr. CRAWFORD (South Africa). Mr. President, I beg to suggest that this vote be taken by show of hands.

Mr. JOUHAUX (France). I do not wish to take the floor, but I do wish to state that the vote on which we are going to take a stand, owing to the interpretation of the special committee, will have no value for those voting for it, because they do not understand it. I do not understand it.

The PRESIDENT. The vote will determine whether or not there is any misunderstanding, and the vote will be taken. The vote is on the motion that the words "or by means of a system of insurance" be deleted from article 3, paragraph (c). Those in favor of the motion will vote yes; those opposed will vote no; and the secretary will call the roll.

[Roll call.]

Yes—8.

|                           |                                |
|---------------------------|--------------------------------|
| Finland:                  | Serbs, Croats, and Slovenes:   |
| Mr. Matti Paasivuori.     | Dr. Ludevít Peritch.           |
| France:                   | Mr. Sveta Frantz.              |
| Mr. Arthur Fontaine.      |                                |
| Nicaragua:                | South Africa:                  |
| Señor Don Ramon Enriquez. | Mr. Archibald Crawford.        |
| Portugal:                 | Spain:                         |
| Mr. Alfredo Franco.       | Mr. Francisco Largo Caballero. |

No—72.

|                               |                                     |
|-------------------------------|-------------------------------------|
| Argentina:                    | Brazil:                             |
| Dr. Felipe Espil.             | Mr. Afranio de Mello Franco.        |
| Mr. Leonidas Anastasi.        | Mr. Carlos Sampaio.                 |
| Mr. Hermenegildo Pini.        | Canada:                             |
| Mr. Americo Balino.           | Mr. Gerald H. Brown (substitute for |
| Belgium:                      | Hon. Gideon D. Robertson).          |
| Mr. Ernest Mahaim.            | Hon. Newton W. Rowell.              |
| Mr. Jules Carlier.            | Mr. S. R. Parsons.                  |
| Mr. Michel Lévie.             | Mr. P. M. Draper.                   |
| Chile:                        | Norway:                             |
| Mr. Felix Nieto del Rio.      | Judge Johan Castberg.               |
| Cuba:                         | Judge I. M. Lund.                   |
| Dr. Carlos Armenteros.        | Mr. G. Paus.                        |
| Dr. Francisco Carrera Justiz. | Paraguay:                           |
| Czecho-Slovakia:              | Dr. Manuel Gondra.                  |
| Mr. Charles Spinka.           | Persia:                             |
| Mr. J. Sousek.                | Mirza Abdul Ali Khan.               |
| Denmark:                      | Peru:                               |
| Mr. S. Neumann.               | Mr. Carlos Prevost.                 |
| Mr. C. V. Bramsnaes.          | Dr. Eduardo Higginson.              |
| Mr. H. Vestesen.              | Mr. Vicente Gonzales.               |
| Mr. C. F. Madsen.             | Poland:                             |
| Ecuador:                      | Mr. Jan Zagleniczny.                |
| Dr. Don Rafael H. Elizalde    | Portugal:                           |
| Finland:                      | Mr. Alvaro de Lacerda.              |
| Mr. A. H. Saastamoinen.       | Mr. Jose Barbosa.                   |
| Judge Niilo A. Mannio.        | Roumania:                           |
| Mr. Robert Lavonius.          | Mr. C. Orghidan.                    |
| France:                       | Mr. Gregoire Michiesco.             |
| Mr. Max Lazard.               | Serbs, Croats, and Slovenes:        |
| Mr. Louis Guérin.             | Dr. Velimir Stoykovitch (substitute |
| Great Britain:                | for Dr. S. Y. Grouitch).            |
| Right Hon. G. N. Barnes.      | Mr. Marko Bauer.                    |
| Sir Malcolm Delevingne.       | Siam:                               |
| Mr. D. S. Marjoribanks.       | Phya Chanindr Bhakdi.               |
| Greece:                       | South Africa:                       |
| Mr. John Sofianopoulos.       | Mr. H. Warrington Smyth.            |
| Mr. Angelus Skinzopoulos.     | Mr. William Gemmill.                |
| Mr. Eugene Cantacuzène.       | Spain:                              |
| Guatemala:                    | Viscount de Eza.                    |
| Dr. Ramon Bengoechea.         | Mr. Adolfo Gonzales Posada.         |
| Mr. Alfredo Palomo Rodriguez. | Mr. Alfonso Sala.                   |
| Japan:                        | Sweden:                             |
| Mr. Eikichi Kamada.           | Judge A. Erik M. Sjöborg.           |
| Dr. Minoru Oka.               | Senator R. G. Hjalmar von Sydow.    |
| Mr. Sanji Muto.               | Senator Halfred von Koch.           |
| Mr. Uhei Masumoto.            | Switzerland:                        |
| Netherlands:                  | Dr. Hans Sulzer.                    |
| Mgr. W. H. Nolens.            | Dr. Hermann Rufenacht.              |
| Mr. G. J. van Thienen.        | Mr. Dietrich Schindler.             |
| Mr. J. A. E. Verkade.         | Mr. Conrad Ilg.                     |
|                               | Uruguay:                            |
|                               | Dr. Jacobo Varela.                  |

The PRESIDENT. The vote on this question is 72 against, 8 for, and 12 abstentions. The motion is therefore lost.

Mr. Baldesi is recognized.

Mr. BALDESI (Italy—remarks in Italian). I wish to explain my position. I have abstained from voting on the motion which has just been put because the vote was given under conditions which were not clear and obvious, and I think the matter was not properly understood by the meeting; and I wish to register a protest because Mr. Jouhaux was not allowed to have the floor to give explanations, which I believe would have made the position clear to all the delegates present.

Mr. VARELA (Uruguay). Mr. President, I believe, on the contrary, that the Chair has acted with the utmost impartiality, because while the Chair did not allow Mr. Jouhaux to speak, neither did it allow other speakers to have the floor. Impartial justice has been administered, and I believe that the assembly should support the Chair.

The PRESIDENT. The question now recurs upon the adoption of the draft convention concerning the employment of women before and after childbirth, as amended.

Those in favor will vote yes; those opposed will vote no. The secretary will call the roll.

[Roll call.]



YES—67.

|  |  |
|--|--|
| Argentina:   | Japan:   |
| Dr. Felipe Espil.  | Mr. Uhei Masumoto.   |
| Mr. Leonidas Anastasi.                                       | Netherlands:   |
| Mr. Americo Balino.  | Mgr. W. H. Nolens.   |
| Belgium:   | Mr. G. J. van Thienen.                                       |
| Mr. Ernest Mahaim.   | Mr. J. A. E. Verkade.  |
| Mr. Corneille Mertens.                                       | Mr. J. Oudegeest.  |
| Mr. Michel Lévie.  | Norway:  |
| Brazil:  | Judge Johan Castberg.  |
| Mr. Afranio de Mello Franco.                                 | Judge I. M. Lund.  |
| Mr. Carlos Sampaio.  | Mr. Jens Teigen (substitute for Mr. Ole Lian).               |
| Canada:  | Paraguay:  |
| Mr. P. M. Draper.  | Dr. Manuel Gondra.   |
| Chile:   | Peru:  |
| Mr. Felix Nieto del Rio.                                     | Mr. Carlos Prevost.  |
| Cuba:  | Dr. Eduardo Higginson.                                       |
| Dr. Carlos Armenteros.                                       | Mr. Victor Pujazon.  |
| Dr. Francisco Carrera Justiz.                                | Poland:  |
| Czecho-Slovakia:   | Mr. Franciszek Sokal.  |
| Mr. Charles Spinka.  | Mr. Jozef Rymer.   |
| Mr. J. Sousck.   | Mr. Edmund Bernatowicz.                                      |
| Denmark:   | Portugal:  |
| Mr. S. Neumann.  | Mr. Alfredo Franco.  |
| Mr. C. V. Bramsnaes.   | Serbs, Croats, and Slovenes:                                 |
| Mr. H. Vestesen.   | Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch). |
| Mr. C. F. Madsen.  | Dr. Ludevit Peritech.  |
| Finland:   | Mr. Sveta Frantz.  |
| Judge Niilo A. Mannio.                                       | South Africa:  |
| Mr. Matti Paasivuori.  | Mr. Archibald Crawford.                                      |
| France:  | Spain:   |
| Mr. Arthur Fontaine.   | Viscount de Eza.   |
| Mr. Max Lazard.  | Mr. Adolfo Gonzales Posada.                                  |
| Mr. Léon Jouhaux.  | Mr. Alfonso Sala.  |
| Great Britain:   | Mr. Francisco Largo Caballero.                               |
| Mr. G. H. Stuart-Bunning.                                    | Sweden:  |
| Greece:  | Judge A. Erik M. Sjöborg.                                    |
| Mr. John Sofianopoulos.                                      | Mr. A. Hermann Lindqvist.                                    |
| Mr. Angelus Skinzopoulos.                                    | Senator Halfred von Koch.                                    |
| Mr. Timoleon Lamprinopoulos.                                 | Switzerland:   |
| Guatemala:   | Dr. Hans Sulzer.   |
| Dr. Ramon Bengoechea.  | Dr. Hermann Rufenaecht.                                      |
| Mr. Alfredo Palomo Rodriguez.                                | Mr. Conrad Ilg.  |
| Mr. Manuel Moreno.   | Uruguay:   |
| India:   | Dr. Jacobo Varela.   |
| Mr. Narayan Malhar Joshi.                                    | Venezuela:   |
| Italy:   | Mr. César Zumeta.  |
| Baron Mayor des Planches.                                    |  |
| Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini). |  |
| Comm. E. Baroni.   |  |
| Mr. Gino Baldesi.  |  |

No—10.

|  |                                  |
|--|----------------------------------|
| Canada:  | Japan:                           |
| Mr. Gerald H. Brown (substitute for Hon. Gideon D. Robertson). | Mr. Sanji Muto.                  |
| Hon. Newton W. Rowell.   | Norway:                          |
| Mr. S. R. Parsons.   | Mr. G. Paus.                     |
| Ecuador:   | Siam:                            |
| Mr. J. Cueva Garcia.   | Phya Chanindr Bhakdi.            |
| Finland:   | South Africa:                    |
| Mr. Robert Lavonius.   | Mr. William Gemmill.             |
|  | Sweden:                          |
|  | Senator R. G. Hjalmar von Sydow. |

The PRESIDENT. The vote on this question is 67 for, 10 against, and 11 abstentions. The convention is therefore agreed to. [Applause.]

Mr. Lazard is recognized, on behalf of the drafting committee.

Mr. LAZARD (France). On behalf of the drafting committee I propose the following motion:

*Resolved*, That the conference express the wish that the provisions of the draft convention adopted by the conference may be followed in the legislation of all industrial countries, and to this end it directs the governing body of the International Labor Office to communicate the texts of the draft conventions to all the governments of the States which are not members of the International Labor Organization and to study the possible methods for inducing these States to embody the provisions of these conventions in their domestic legislation.

The PRESIDENT. The question is on the resolution submitted by the drafting committee, which has just been read.

As many as favor the resolution will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands.

The resolution is agreed to.

Mr. Fontaine is recognized.

Mr. FONTAINE (France). Mr. President, ladies and gentlemen: On behalf of the governing body, which met yesterday, I have a proposal to make to you. You know that while we are taking these votes the peace treaty is not yet ratified and that difficulties therefore arise as to the scope of our votes. Perhaps measures will have to be taken to render them wholly efficacious when the treaty is ratified. With this in view the governing body proposes that you invest it with the right to take any steps that may be necessary and asks you to support the following resolution:

Inasmuch as the treaty of peace has not yet been ratified, the conference authorizes the governing body to take such measures as may be necessary to render the resolutions of the conference effective.

The governing body is unanimous in presenting this resolution for your consideration.

Dr. GONDRA (Paraguay—remarks in Spanish). I second Mr. Fontaine's motion on behalf of the governing body. I have entire confidence in the governing body, and I hope that the powers of that body will be sufficient in the future to assure a better distribution of the places on it for the Latin-American and all the non-European countries.

Mr. GEMMILL (South Africa). Mr. President, may I support very strongly the proposal of the delegate from Paraguay, the second proposal, which is the proposal that the governing body should take steps to have further representation, or rather proper representation, of other than European countries. The governing body, as at present constituted, does not, in my opinion, represent in any way whatever anything but European countries, and without such representation I should not be prepared to give the confidence to it that it requires.

Mr. FRANCO (Brazil). I have a few observations to make to the conference. These observations have been written out, and in order not to take up the time of the conference I shall content myself with placing them in the hands of the secretary without reading them.

[The statement referred to is as follows:]

#### STATEMENT OF MR. MELLO FRANCO. (Concurred in by Mr. Carlos Sampaio.)

In order to cover the responsibility for my votes on the questions submitted to the deliberations of the conference with regard to the various points examined in the reports of the committee on unemployment, I am obliged to state the reasons which induced me to vote against some of the conclusions proposed by the reporters.

The texts laid before the conference were two—a draft convention and two draft recommendations. The object of the first is to bring about the establishment in the respective countries by the States which are signatory and adherent of a system of free public employment exchanges, under the control of some central authority.

The two other drafts would recommend that each member State of the permanent organization shall take the necessary measures to prevent the creation of employment agencies where fees are paid to the agent or to the concern, and on the other hand recommend to the above-mentioned States, members of the permanent organization, that the collective recruiting of workers and wage earners in the territory of one of said States for the purpose of employment in another of said States shall be permitted only upon agreement between the States concerned and upon the advice of the employers and workers belonging to the industries concerned in each country. In Brazil the solicitation and employment of workers is carried on under the direction of the public authorities and through the medium of official agents established either by the Federal Government or by the State Governments.

The national office of labor operates as part of the Department of Agriculture, Industry and Commerce of the union, and some States themselves even maintain the same arrangement, since the Brazil-



ian political system gives to the various States equal competency in the organization of the department mentioned.

However, I do not see how one can forbid to individuals or corporations the exercise of the right to maintain and to carry on commercially an employment agency for any honest, lawful purpose, since this liberty is granted them in full by explicit clauses in our constitution.

As for the collective recruiting of the native workers of one State by any other State in the territory of the former, it is clearly understood that that can not be done except with the agreement of both States, since otherwise the State in whose territory recruiting should take place might, by the use of its sovereign right, prohibit and punish any acts tending to such enrollment, together with the operation of any agency whatsoever for the enrolling or soliciting of immigrants.

However, it is not easy to understand the reasons which have inspired the requirement set forth in the second draft recommendation as to a preliminary consultation between employers and workers of the industries concerned in each country. Why this consultation, if a preliminary agreement between the Governments is already required?

When the States, through their legitimate representatives and agents, have agreed that natives of one or another State may leave that State in order to get employment in the territory of the other, then such consultation between employers and workers belonging to the industries concerned is utterly superfluous, and would have no significance, but on the other hand it will have the great inconvenience of checking the currents of immigration by the exaction of a condition which could with difficulty be realized and financed.

My vote is absolutely against this intervention of private individuals in affairs which are within the province of the Government, and against the restrictions which proceed from previous considerations.

Much more serious still are the questions raised with regard to the measures proposed by the committee for the protection of foreign workers out of employment.

In the first and second draft resolutions the committee proposed to create in the International Labor Office a special department charged with all the questions pertaining to the migration of workers and the situation of foreign wage earners, and also proposed that the governing body of the International Labor Office constitute a special commission charged with studying and proposing the necessary measures for regulating the migration of workers from their native country and for protecting the interests of wage earners resident in any country other than their own.

Now, the governing body of the International Labor Organization which is composed of 24 members, has but one representative from the American nations, nations which are particularly the ones that receive and try to get foreign workers, whose collaboration they need for the development of their vast territory, so abounding in wealth of every kind, but so lacking in population. According to article 393 of the Versailles treaty, the governing body of the International Labor Office shall be composed of 24 representatives, among whom 12 shall represent employers and workers in equal number, and the last 12 shall represent the Governments of the States members of the League of Nations.

Among these last 12 members, 8 shall be appointed by those States of the greatest industrial importance, and the 4 others by those States designated for that purpose by the representatives of the different Governments at the conference, without, however, the delegates from the first 8 countries being able to vote on the choice of the 4 last.

With regard to the classification of States as being of greater industrial importance, doubts and questions may be raised, and these can only be settled by the League of Nations. The selection of so important a body for the solution of this eventual conflict of interests shows the importance in which the nations signatories of the peace treaty hold the organization of the governing body of the International Labor Office

I do not wish to plead here the importance of the industrial development of my country, and neither shall I invoke the fact that we entwined our flag with those of the nations who waged a war against the militarism of the former powers of Central Europe; but speaking under the impulse of a sentiment of Pan American fraternity, I protest against the extraordinary decision by which the governing body of the International Labor Office, which is composed of 24 members, is to have 23 chosen among the European nations, while all the other nations here represented are to have but one, in spite of their great interests at stake.

The governing body of the International Labor Office, among other important powers, has that of constituting the international commission charged with facilitating and regulating the migration of workers from their native country and with protecting the interests of wage earners residing in countries other than their own.

Now, at the bottom of this question is one of the vital problems of all Latin America, the question of populating the rich, immense territory which, throughout the whole of the South American continent, awaits the activity of its inhabitants in order to give to the world the most effective collaboration in the development of production and the consequent increase in the comfort of all collectively.

The nations of America can not willingly accept this composition of the International Labor Office, and it is for that reason that we, the delegates from South America, have supported the motion of Mr. Gemmill, delegate from South Africa, who proposed an amendment with the object of providing that the representation of the European countries on this special commission shall be one-half of the commission, which means equality between the nations of the Old World and the nations of the New World in this commission.

However, I must still, with reference to this question, make an observation upon the method which was followed when the articles of the draft were voted on. The procedure of the conference, contrary to parliamentary practice, caused a vote to be taken on Mr. Gemmill's proposition before the article on which it depended was voted upon; whereas the method which should have been followed was to vote first on the article, without the amendment, for in this way the non-European delegates would have had the more radical recourse of refusing all of article 3 in limine. The amendment of the delegate from South Africa was a correction of the article in question, the wording of which is incompatible with the fundamental rights of sovereign nations; the non-European delegates could not refuse their votes, but that implied an acceptance of the principle contained in the article, a principle which, however, they intended to reject completely. It will be seen how the inversion of the good old parliamentary practices in numerous assemblies upsets and sacrifices the votes of a great many of their members. Making use of the right conferred on me by the peace treaty, I voted personally against article 4 of the draft resolution dealing with the fight against unemployment, because the text voted is contrary to the sovereign rights of each State and attacks the constitutional right of Brazil.

With regard to the questions dealing with the working day and the other questions on employment of women and children, I agreed with the greater part of the principles approved, making allowances for difference in climate, in customs, in manners, in economic opportunity, and in individual tradition, according to the statements in article 427 of the peace treaty.

As for the working day for men, I think that we ought to respect the freedom of contract and independence of those workers who desire to contract for their services for a longer day and for more gain.

The work accomplished by the conference will adapt itself in its essential points to the present state of Brazilian legislation. The conference will not have accomplished a work of disorganization, and because of the moral authority of its decisions we may expect it to be a great and beneficial influence in winning over the hearts of men in preparation for the great social reforms which the tragic events of the war have brought forth at this hour.



We must regret very much the fact that the great American Nation, she who has rendered the world so many services in the evil days just finished and to whom my own country is bound by the oldest, the most firm, and the strongest ties of friendship, has not taken part officially in the conference.

Mr. POSADA (Spain—remarks in Spanish). I second the wish expressed by the delegate from Paraguay.

Mr. CRAWFORD (South Africa). I would like to suggest to Mr. Fontaine that he withdraw his motion until such time as a motion to be moved by Mr. Gemmill has been discussed. I think it is necessary that that motion should also be discussed right away by this conference, in order to clear the air somewhat. If Mr. Fontaine will not agree to postpone consideration of his motion until Mr. Gemmill's motion is discussed, then I think this conference should clearly understand that any votes accorded to him in support of his motion in no way indicate the confidence of this conference in the constitution of the governing body.

Mr. FERRAZ (Brazil). Mr. President, I ask permission to insert into the report the ideas which the workers of Brazil wish to see published in the proceedings of the conference. These ideas have been written out in English and in French, and I ask permission to place these documents, along with several publications, in the hands of the secretary general.

The PRESIDENT. It is not apparent that the matter that Mr. Ferraz desires to have inserted in the record is germane to the question before the house, but if there is no objection, the matter he desires in the record will be inserted immediately following the record of the vote upon the question before the house.

Is there any objection? The Chair hears none, and it will be so inserted.

Mr. CRAWFORD (South Africa). Mr. Chairman, on that point might I ask that certain objections made by my colleague, representing the employers from South Africa, concerning the governing body, also be inserted in the record. It was understood when they were handed in that they should be put in the record, but they have not yet appeared.

The SECRETARY GENERAL. The reason for that is that no record has been printed.

Mr. CRAWFORD (South Africa). I understand I have the assurance that they will appear.

The PRESIDENT. The question is on agreeing to the resolution presented by Mr. Fontaine.

Mr. ROWELL (Canada). Mr. President.

The PRESIDENT. Mr. Rowell.

Mr. ROWELL (Canada). While I should like to see the action which Mr. Fontaine has proposed carried out, if we have the power to do so, I must express my grave doubt as to the power of this conference to delegate its duties to the governing body. This conference has certain defined duties under the provisions of the peace treaty, and I doubt—my own opinion goes beyond a doubt—our power to delegate those duties to anybody whatever, and that the action proposed would not be legally effective. I should like to suggest to Mr. Fontaine that he should add to his proposal a provision whereby this conference would formally adjourn to meet at the call of the governing body, in case it should appear upon further consideration there is no power to do what is now proposed by the resolution. This conference if adjourned might be formally reconvened after the peace treaty goes into effect for the purpose of validating the action taken during these weeks. I make the suggestion with a view of guarding against the failure of the conventions we have adopted by reason of this conference being extralegal and held before the peace treaty went into effect.

The PRESIDENT. Mr. Mahaim.

Mr. MAHAİM (Belgium). I want to reassure Mr. Rowell immediately, that the formula adopted, which consists of saying that the governing body is authorized to take any necessary measures to render the resolutions of the conference effective, covers the event of its being necessary to convene the conference again. Consequently that is covered in the formula of the resolution.

Mr. ROWELL (Canada). Mr. President, with great respect to Prof. Mahaim, I do not think it is covered in the formula. If this conference formally concludes its labors and ends, there is no power so far as I am aware to reconvene it. You would have to constitute an entirely new conference. But if the conference does adjourn to meet at the call of some responsible authority, then the action might be taken which it is suggested could be taken by the governing body.

Mr. GEMMILL (South Africa). Mr. President.

The PRESIDENT. Mr. Gemmill.

Mr. GEMMILL (South Africa). Mr. President, yesterday I received an assurance from the Chair that a certain motion in my name would come up this morning. Now, I could move that motion as an amendment to Mr. Fontaine's proposal, but I do not wish to do so and complicate it, if I can be assured that my motion is coming up this morning.

The PRESIDENT. The Chair can not give any assurance that the resolution presented by Mr. Gemmill will be reached for consideration by the conference. The only thing that the Chair can say in that connection is that if the conference continues in session long enough we will reach the consideration of his motion.

May I add, further, that the Chair has examined the motion of Mr. Gemmill and is of the opinion that it would not be germane to the resolution proposed by Mr. Fontaine, and consequently would not be in order as an amendment.

The question is on the adoption of the resolution presented by Mr. Fontaine.

As many as favor the adoption of the resolution will raise their right hands and keep them raised until counted.

Mr. MARJORIBANKS (Great Britain). Mr. President, may the resolution not be read, as there was some doubt as to what was the actual resolution we were voting on.

The PRESIDENT. Hands down. The resolution will be read again for the information of the conference.

[The resolution was read as follows:]

Inasmuch as the treaty of peace has not yet been ratified, the conference authorizes the governing body to take such measures as may be necessary to render the resolutions of the conference effective.

Mr. CRAWFORD (South Africa). Mr. President, on a matter of procedure. I desire to move that the conference proceed with the next item that is proposed for the sitting. My reason for doing it is that you, as chairman, in your statement, have given no assurance to this conference that the promise given by Mr. Barnes, when he presided over yesterday morning's session, will be carried out, and the motion standing in Mr. Gemmill's name will be discussed. I am moving that we proceed with the next item on the program for the sitting, in order to bring pressure to bear on the Chair to have that motion of Mr. Gemmill's discussed, and I would suggest that after Mr. Gemmill's motion is discussed, and only then, should the conference agree to give any authority or any power of any kind to the governing body.

Mr. GEMMILL (South Africa). Mr. President, I should like to second Mr. Crawford's amendment, and in doing so I should like to suggest to the conference that it is most inadvisable to allow the impression to get about that there is a desire to balk discussion on the question of the position of the governing body.

The PRESIDENT. The Chair is in doubt as to the parliamentary significance of the motion made by Mr. Crawford as to whether the intent of the motion of Mr. Crawford is to postpone the consideration of the question before the house, or is not a question of postponement.

Mr. CRAWFORD (South Africa). It is desired to postpone consideration. I will alter the motion if my seconder will agree to postpone consideration of the question.

Mr. JUSTIZ (Cuba—remarks in Spanish). I wish to call the attention of the conference to the very great importance of the statements made by the delegate from Paraguay, not only from the point of view of international relations, but also from the point of view of



the effectiveness of the organization which is being created. I believe that this subject should not be turned down on any account, but that it should be borne in mind that the Latin-American countries on a previous occasion submitted this very question to the conference, and that it has now been brought forward by the representatives of South Africa, and should, therefore, meet with the consideration of this conference, in order that an unfavorable impression may not be created.

The PRESIDENT. The question is on the motion of Mr. Crawford to postpone the consideration of the resolution before the house.

As many as favor—

Mr. CRAWFORD (South Africa). Mr. Chairman, I beg to request a record vote, and I will ask you if the necessary number of supporters are present for my proposal. It may be the only opportunity of indicating a certain feeling that exists on the part of members of this conference.

The PRESIDENT. Mr. Crawford asks for a record vote. Are there a sufficient number? The secretary will count.

Mr. FONTAINE (France). The purpose of the vote which we have asked is simply to prevent our sacrificing all the work of the present conference. This conference is about to adjourn before the treaty has been ratified. We may have to proceed with some formality, such, for example, as convening the conference again, in order to carry the work of this conference to a conclusion.

The governing body is not asking a vote of confidence, as it considers that by the very fact of its election it has the confidence of this assembly. It is only trying to do its duty. It is not opposed to having any other motions discussed afterwards, nor is it opposed to discussion of the composition of said governing body. It is a question of not closing the conference before taking the necessary measures for putting into effect matters you have spent a month voting on. If you do not vote for this motion, what will happen is this—you will have held a month's conference to no purpose.

The PRESIDENT. Mr. Crawford asks for a record vote. As many as are in favor of taking a record vote will raise their right hands.

[Votes counted.]

The necessary number of votes have been given. The question is on the motion to postpone. As many as favor the motion to postpone will vote yes; those opposed will vote no; and the secretary will call the roll.

The SECRETARY GENERAL. Those who are in favor of Mr. Crawford's motion to postpone the consideration of M. Fontaine's motion will reply yes; those who are against Mr. Crawford's motion will say no.

[Roll call.]

YES—33.

|                               |                                 |
|-------------------------------|---------------------------------|
| Brazil:                       | India:                          |
| Mr. Afranio de Mello Franco.  | Mr. Alexander Robertson Murray. |
| Mr. Carlos Sampaio.           | Mr. Narayan Malhar Joshi.       |
| Canada:                       | Dr. L. J. Kershaw.              |
| Mr. S. R. Parsons.            | Japan:                          |
| Chile:                        | Mr. Sanji Muto.                 |
| Mr. Felix Nieto del Rio.      | Mr. Uhei Masumoto.              |
| Cuba:                         | Nicaragua:                      |
| Dr. Carlos Armenteros.        | Señor Don Ramon Enriquez.       |
| Dr. Francisco Carrera Justiz. | Peru:                           |
| Czecho-Slovakia: <sup>1</sup> | Mr. Carlos Prevost.             |
| Mr. Charles Spinka.           | Dr. Eduardo Ilginson.           |
| Mr. J. Sousek.                | Mr. Victor Pujazon.             |
| Ecuador:                      | Serbs, Croats, and Slovenes:    |
| Dr. Dou Rafael H. Elizalde.   | Dr. Ludevit Peritch.            |
| France:                       | Siam:                           |
| Mr. Léon Jouhaux.             | Phya Prabha Karavongse.         |
| Greece:                       | Phya Chanindr Bhakdi.           |
| Mr. Timoleon Lamprinopoulos.  | South Africa:                   |
| Guatemala:                    | Mr. H. Warrington Smyth.        |
| Dr. Ramon Bengoechea.         | Mr. Archibald Crawford.         |
| Mr. Alfredo Palomo Rodriguez. | Mr. William Gemmill.            |
| Mr. Manuel Moreno.            |                                 |

<sup>1</sup> There is clearly an error here, as the same delegates vote both for and against the same motion. The only records in the possession of the editor show the vote as here given. Ed.]

Spain:  
Mr. Francisco Largo Caballero.  
Uruguay:  
Dr. Jacobo Varela.

Venezuela:  
Mr. César Zumeta.  
Dr. S. A. Dominici.

No—53.

|   |  |
|---|--|
| Argentina:  | Norway:  |
| Dr. Felipe Espil.                                   | Judge Johan Castberg.  |
| Belgium:  | Judge I. M. Lund.  |
| Mr. Ernest Mahaim.                                  | Mr. Jens Teigen (substitute for Mr. Ole Lian).               |
| Mr. Jules Carlier.                                  | Paraguay:  |
| Mr. Cornille Mertens.                               | Dr. Manuel Gondra.   |
| Mr. Armand Julin (substitute for Mr. Michel Lévie). | Mr. Arturo Campos.   |
| Czecho-Slovakia: <sup>1</sup>                       | Poland:  |
| Mr. Charles Spinka.                                 | Mr. Franciszek Sokal.  |
| Mr. J. Sousek.                                      | Mr. Jozef Rymer.   |
| Denmark:  | Mr. Jan Zagleniczny.   |
| Mr. S. Neumann.                                     | Mr. Edmund Bernatowicz.                                      |
| Mr. C. V. Bramsnaes.                                | Portugal:  |
| Mr. H. Vestesen.                                    | Mr. Alvaro de Lacerda.                                       |
| Mr. C. F. Madsen.                                   | Mr. Jose Barbosa.  |
| Finland:  | Mr. Alfredo Franco.  |
| Judge Nillo A. Mannio.                              | Roumania:  |
| Mr. Matti Passivuori.                               | Mr. C. Orghidan.   |
| France:   | Mr. Gregoire Michasco.                                       |
| Mr. Arthur Fontaine.                                | Serbs, Croates, and Slovenes:                                |
| Mr. Max Lazard.                                     | Dr. Velimir Stoykovitch (substitute for Dr. S. Y. Grouitch). |
| Mr. Louis Guérin.                                   | Mr. Marko Bauer.   |
| Great Britain:                                      | Spain:   |
| Mr. D. S. Marjoribanks.                             | Viscount de Eza.   |
| Mr. G. H. Stuart-Bunning.                           | Mr. Adolfo Gonzales Posada.                                  |
| Greece:   | Mr. Alfonso Sala.  |
| Mr. John Sofianopoulos.                             | Sweden:  |
| Mr. Angelus Skinzopoulos.                           | Judge A. Erik M. Sjöborg.                                    |
| Italy:  | Senator R. G. Hjalmar von Sydow.                             |
| Baron Mayor des Planches.                           | Mr. A. Hermann Lindqvist.                                    |
| Comm. E. Baroni.                                    | Senator Halfred von Koch.                                    |
| Japan:  | Switzerland:   |
| Mr. Eikichi Kamada.                                 | Dr. Hans Sulzer.   |
| Dr. Minoru Oka.                                     | Dr. Hermann Rufenacht.                                       |
| Netherlands:  | Mr. Dietrich Schindler.                                      |
| Mgr. W. H. Nolens.                                  | Mr. Conrad Ilg.  |
| Mr. G. J. van Thienen.                              |  |

The SECRETARY GENERAL. The vote is: For the motion, 33; against, 53; abstentions, 7.

The PRESIDENT. The motion to postpone is therefore not agreed to.

The question is now upon the resolution submitted by Mr. Fontaine.

The Chair understands that Mr. Fontaine desires to include in his resolution the suggestion made by Mr. Rowell. Mr. Fontaine.

Mr. FONTAINE (France). In order to satisfy Mr. Rowell, as he considers our formula not comprehensive enough, and as not investing the governing body with enough authority, we propose to add the following:

Therefore, when this conference adjourns to-day, it adjourns leaving it at the discretion of the governing body to reconvene the present meeting or to declare it closed, as may be deemed advisable.

Mr. PARSONS (Canada). May we have the whole resolution read?

The PRESIDENT. The resolution as a whole will now be read. The resolution as it will now be will be read.

Inasmuch as the treaty of peace has not yet been ratified, the conference authorizes the governing body to take such measures as may be necessary to render the resolutions of the conference effective. Therefore, when this conference adjourns to-day, it adjourns leaving it at the discretion of the governing body to reconvene the present meeting or to declare it closed, as may be deemed advisable.

Dr. GONDRA (Paraguay). Mr. President.

The PRESIDENT. For what purpose does the delegate from Paraguay rise?

Dr. GONDRA (Paraguay). To ask some explanations as regards the wording. The motion that I made did not amend the motion made by Mr. Fontaine, but is simply a supplement for the purpose of investing the governing body with full power to revise its own composition.

Mr. MAHAIM (Belgium). But that is contrary to the peace treaty.

<sup>1</sup> See foot note first column.



Dr. GONDRA (Paraguay). No, what is contrary to the peace treaty is that distribution of seats on the governing body should not be equal among all continents.

Dr. ARMENTEROS (Cuba). Mr. President, I second the motion.

The PRESIDENT. The motion of the representative from Paraguay, seconded by the representative from Cuba, the Chair understands, has to do with the composition of the governing board; that he proposes to give to the governing board the power to change its own composition.

That motion is not germane to the resolution before the house and would not at this time be in order.

The question is on the resolution presented by Mr. Fontaine.

As many as favor the resolution of Mr. Fontaine will raise their right hands and keep them raised until counted.

[Votes counted.]

Down. Those opposed will raise their right hands.

[Votes counted.]

Dr. VARELA (Uruguay). I voted against the proposal of Mr. Fontaine because I do not consider that the governing body is fairly representative of this assembly. [Applause.]

The PRESIDENT. The vote was 73 for the motion and 6 against. The motion is therefore agreed to.

#### STATEMENT OF DR. FERRAZ.

[The statement of Dr. Ferraz referred to above, and the insertion of which was directed at the end of the above vote, was as follows:]

[Interview given by Dr. Fausto Ferraz, representative of the Brazilian workingmen in the Labor Congress to "A Razao," the organ of the working classes of Rio de Janeiro, on the occasion of his departure on November 3 last.]

Dr. Fausto Ferraz, who is a representative of the State of Minas Geraos in the Federal Congress, is one of the few who have made a study of social problems. He goes to the labor conference with the intention of defending the rights of the working classes to the best of his ability, having in view the clauses of the peace treaty.

"I consider," said Dr. Ferraz, "my mission the most difficult I have ever undertaken because after the hecatomb of the war, which turned upside down and disturbed everything in the material and intellectual life of the people, the organization which it is proposed to create for establishing rules for settling labor disputes and improving labor conditions opens so vast a horizon for the nations that it is only given to the privileged intelligence to see far enough to be able to appreciate the part to be played for the fulfillment of the mission intrusted to me."

"I am inspired more by good will than by any knowledge I have on the subjects which will be discussed in the conference where humanity will surely be represented by the greatest authorities in modern sociology. However, if wanting in competence, I shall not be wanting in ardor and sympathy, in defending and fighting for the rights which the peace treaty has emphasized."

"Certainly the new status of labor looking forward to universal peace, which must be based on social justice, will be carefully considered, studied, debated, and be the subject of legislation by all nations. It is a fact that everywhere are to be found unjust labor conditions, and even hurtful to human dignity, resulting in misery and privation to millions of individuals who are living outside of the social community, for whom justice has been merely an abstract idea, an Utopia which does not console, and, being very ambiguous, rather irritates and revolts, causing subversive ideas which tend to tear away the world's axis from the hinges of peace and order, to cast it into the unknown, to the abyss of social war, to the exterminating fight between capital and labor."

"These two factors—capital and labor—can not be irreconcilable enemies unless the world is to fall into pieces and civilization fall back into outer darkness and confusion."

"The peace treaty in part 13, considering that universal peace and harmony are in danger because of the dissatisfaction prevailing among individuals, arising from the misery and privations of some, to the advantage of others, from the want of equity and justice in

recompensing labor—factor as it is of capital, and without which the latter can not increase—proposes as one of the primary ends of the League of Nations, the organization of labor throughout the world for the purpose of fixing the working hours, days, and weeks; a wage that will assure proper living conditions; protection of the workmen against sickness and accidents resulting from their work; protection of children, minors, and women; pensions for the aged and invalids; defense of the interests of workmen while abroad; the affirmation of the right of organization; the organization of professional and technical teaching, and other analogous measures.

"It will be seen, therefore, that many problems will be debated and that there will be many final conclusions arrived at for the benefit of humanity and harmonizing the relations between those factors representing the wealth of the people—labor and capital."

"The contracting parties to the peace treaty, considering that the failure to adopt measures or working rules really humanitarian, created obstacles to the efforts of other nations willing to improve the lot of their people within their own territory, agreed to found a permanent organization for the realization of that program, and for this purpose there is being held in Washington the first general conference. There will be created an international labor department under the direction of an administrative council composed of 24 persons, of whom 12 will be Government representatives, 6 will be elected by delegates to the conference representing employers, and 6 by delegates representing employees. It is a beginning toward an understanding."

"This permanent organ created by the peace treaty represents a victory and will unquestionably be an open door to all claims against social injustice and the misery and privations resulting from bad labor conditions. This does not impede the laboring classes of each nation from organizing for their legitimate defense, establishing trade-unions and political parties to participate in the administration and legislative sphere within the territory of the State to which they belong."

"In my opinion the nations that unite in defense of an ideal of justice must look with approval upon and even promote the creation of associations for defense of the workingman. The principle of organized trade-unionism is, therefore, entirely harmonious with the noble and elevated objects of the League of Nations."

"The exploitation of the labor of the working classes, if there be no moderating power to prevent misery and privations, will result in a civil war more violent and productive of more hatred than any arising from political passions."

"I am convinced that the most humanitarian solution of the problem, and the one most productive of allaying unrest, would be that which would give the laborer an interest in the profits resulting from his work. Indeed, the peace treaty with great wisdom proclaims that labor must not be considered as merchandise or an article of commerce. It must be dignified with and be one with capital; it must live with and give life to capital; it must increase the productive capacity and therefore the well-being of humanity; and be properly recompensed. According to Lincoln, neither capital nor labor should be held to be the superior in the attainment of the common object—the perfection of man."

"I am proud of my country. I have the most absolute faith in its future. I fully believe in the outcome of the energy and intelligence of Brazilians and with their virile optimism and our unparalleled natural resources. I carry with me great hopes of better days for Brazil and for humanity."

"I had occasion to exchange ideas with representatives of over 30,000 workingmen in Rio de Janeiro, and, as I am in direct contact with the working classes and have the help of their organ, I feel that I can accept with tranquillity the honorable mission with which I have been invested."

Mr. GEMMILL (South Africa). Mr. President.

The PRESIDENT. Mr. Gemmill.

Mr. GEMMILL. Mr. President, I wish to move on a point of procedure that the motion standing in my name in regard to the



composition of the governing body be now taken. In doing so I wish to state that I have no intention of speaking on it; I merely wish, if the conference agrees, to have a record vote taken on that expression of opinion, and I therefore move, in order that it may come up, that it come now.

The PRESIDENT. Mr. Gemmill moves that the conference proceed to the consideration of the resolution standing in his name.

Mr. CASTIGLIONE (Italy). Mr. President.

The PRESIDENT. Mr. Castiglione.

Mr. CASTIGLIONE (Italy). I respectfully call your attention to the fact that this morning each one of us has received a bulletin in which there is a program for this morning's session. In this bulletin the first thing to be treated is the agenda for 1920. I raise this point of order, that before treating any other business we discuss the agenda for 1920.

The PRESIDENT. The point of order made by Mr. Castiglione would be sustained in the event of there being no motion before the house, but, while the conference has determined upon an agenda for its own guidance, it does not thereby tie its hands so that it can not change that agenda, and the motion made by Mr. Gemmill would, if carried, simply change the agenda and consequently the motion would be in order, if seconded.

Mr. CRAWFORD (South Africa). I beg to second it, Mr. Chairman.

The PRESIDENT. The question is upon the motion of Mr. Gemmill, that the resolution standing in his name be brought before the conference for its consideration. Those in favor of bringing this resolution before the conference at this time will raise their right hands and keep them raised until counted.

[Votes counted.]

Those opposed will raise their right hands.

[Votes counted.]

The vote on this question is 54 for and 24 against. The motion is therefore carried, and the resolution standing in Mr. Gemmill's name is before the conference.

Mr. GEMMILL (South Africa). Mr. President, I have already stated that there is no intention on my part, and I think also on the part of those who signed this resolution, to delay the conference in any way. We are only anxious to get the thing brought forward to the members of the conference to record their views on the extraordinary position of 20 members out of 24 of the governing body, representing a small part of the work, being representatives of European countries, and I have pleasure, Mr. Chairman, in presenting the resolution standing in my name.

That this conference expresses its disapproval of the composition of the governing body of the International Labor Office, inasmuch as no less than 20 of the 24 members of that body are representatives of European countries.

The PRESIDENT. The question is on the motion of Mr. Gemmill to adopt the resolution.

Mr. CRAWFORD (South Africa). Mr. Chairman, I just wanted to say one word. I would like to appeal to the representatives of European countries to support this resolution, because, if they expect to make a success of this conference and make its conventions universally applicable and expect to win the trust and the confidence of other than European countries, then they should in their hearts desire that there should be a better distribution of the members of the governing body; and, if they feel, as they must feel, that the distribution of members of the governing body amongst the various countries should be more equitable than it is, then they must necessarily vote for the motion. If they vote against the motion, then it will indicate that they are desirous that the European countries should dominate the work of the International Labor Office. [Applause.]

That is exactly the position. I have just one more suggestion. The representative from Paraguay endeavored to move a resolution a little while ago. Well, he may not succeed in having it put before the conference, but I trust the governing body will listen to his suggestion, and if this conference passes this vote, as I trust it will, then

the governing body will be required to listen to his suggestion, and that is this: That the governing body itself consider some reconstitution of itself. It is quite in order for any member of the governing body to resign as a member of the governing body, and the governing body in the terms of the peace treaty has the right to fill any vacancies, and if representatives of European countries resign from the governing body it will thus give an opportunity to the governing body to elect representatives of outside countries and so equalize and render more equitable the distribution of seats on the governing body. [Applause.]

Mr. FONTAINE (France). I speak for myself personally and not for the governing body. The governing body was appointed by the conference, the employers by the employers' group, the workers by the workers' group, and the Government delegates were appointed according to the stipulations of the covenant which gave birth to this conference.

I do not believe that any one has it in mind—in any case it is certainly not in my mind—to consider the articles of our constitution concerning the election of the governing body as perfect and requiring no changes. Neither do I think that it would be advantageous that each continent should be assigned any logical part in the make-up of the body. I merely wish to indicate that when examining this question account must be taken of the two important facts which I submit to the consideration of our colleagues from other continents.

The first of these facts is that as the seat of the League of Nations has been placed at Geneva, and as the governing body is going to meet practically every two months, according to my understanding, it is important, in order to expedite matters, to have a fairly large number of members on the governing body who do not live at too great a distance, so as to insure a sufficient number of members at the meetings of the governing body. For that reason it is perhaps unwarranted, when it is purely a question of administration, to give predominance to the question of nationality.

In the second place, some of our colleagues seem to think that all countries have interests of equal importance in this conference. I wish to observe that with all due consideration for the sovereignty of States, groups of several countries not having any extended industry should not have a predominant influence. These are questions to be carefully weighed and examined. Consequently it is possible, though premature, to state that the composition of the governing body is unfair.

In short, I am in no way opposed to having the question of reorganization of the governing body looked into, nor to specifications being made to safeguard the representation of all continents, but the terms of the motion made by Mr. Gemmill are such that although I agree with him fundamentally I can not vote for his proposal.

Mr. MAHAIM (Belgium). I move the closure.

Mr. EDSTROM (Sweden). I second the motion.

The PRESIDENT. The closure has been moved by Prof. Mahaim.

Mr. REES (Canada). Mr. Chairman, may I ask a question?

The PRESIDENT. It will depend altogether on whether the question is in opposition to—

Mr. REES (Canada), interrupting. I will just state it very briefly, Mr. Chairman. The point is this: Is it an established point that this board is going to meet every two months, or not?

The PRESIDENT. Well, that is debate.

Mr. GEMMILL (South Africa). Mr. President, I understand one speech against the closure is permitted.

The PRESIDENT. There is one speech permitted against closure. Mr. Gemmill is recognized for that purpose.

Mr. GEMMILL (South Africa). Mr. President, when I moved this motion I stated that I did not intend to make a speech on it, and consequently I did not give the reasons in favor of the motion which otherwise I would have given. Mr. Fontaine has now put forward certain arguments against the motion which, to my mind, are easily rebutted; and if the closure is passed, then, through my consideration for the conference at the beginning, I am unable to



reply to these points. That is the reason why I consider it unfair to move the closure until the mover of the motion has a chance to reply to the argument.

The PRESIDENT. The question is on the motion to close debate. There can be no further discussion.

Mr. GONDRA (Paraguay). As one speaker—

The PRESIDENT. There can be no further discussion.

Mr. GONDRA (Paraguay). As one speaker has already been recognized by the Chair, I consider that I am also entitled to speak, and I ask to be recognized.

Mr. CRAWFORD (South Africa). A point of order. I understand the mover of the closure agreed to withdraw his motion to allow Mr. Gemmill an opportunity to reply.

The PRESIDENT. The Chair has heard of no such arrangement, and while the Chair desires to be courteous to everybody, as a matter of course—that is part of his business—he can do nothing else but follow the motions that are presented for consideration and enforce the rules impartially. There has been one person already heard in opposition to the closure, and consequently the Chair is not in a position to recognize Mr. Gondra for that purpose. The question is on the motion to close debate.

As many as are in favor of closing debate will raise their right hands and keep them raised until counted.

[Votes counted.]

Those opposed will raise their right hands and keep them raised until counted.

[Votes counted.]

The vote on this question is 43 for and 36 against. The motion to close debate is therefore agreed to.

Mr. CASTIGLIONE (Italy). Mr. President.

The PRESIDENT. For what purpose does the gentleman rise?

Mr. CASTIGLIONE (Italy). Just to ask the Chair if he will allow me to make a suggestion on the vote? I would like to move that the motion be divided into two parts, and that the votes be taken separately on the first and second parts. The first part ends, "said article 393," and the second part begins by the words "by laying down."

The SECRETARY GENERAL. That is not the right motion.

Mr. CASTIGLIONE (Italy). I withdraw that.

The PRESIDENT. Mr. di Palma has before him a different resolution than that under consideration. It is understood that he requests permission to withdraw it.

The question is on the motion to adopt the resolution presented by Mr. Gemmill. A record vote has been demanded by a sufficient number. Those in favor of the motion to adopt the resolution will vote yes; those opposed will vote no; and the secretary will call the roll.

YES—44.

|                               |                                 |
|-------------------------------|---------------------------------|
| Argentina:                    | India:                          |
| Dr. Felipe Espil.             | Mr. Alexander Robertson Murray. |
| Mr. Leonidas Anastasi.        | Mr. Narayan Malhar Joshi.       |
| Brazil:                       | Dr. L. J. Kershaw.              |
| Mr. Afranio de Mello Franco.  | Japan:                          |
| Mr. Carlos Sampaio.           | Mr. Eikichi Kamada.             |
| Canada:                       | Dr. Minoru Oka.                 |
| Mr. S. R. Parsons.            | Mr. Sanji Muto.                 |
| Chile:                        | Mr. Uhei Masumoto.              |
| Mr. Felix Nieto del Rio.      | Nicaragua:                      |
| Cuba:                         | Señor Don Ramon Enriquez.       |
| Dr. Carlos Armenteros.        | Norway:                         |
| Dr. Francisco Carrera Justiz. | Judge I. M. Lund.               |
| Ecuador:                      | Paraguay:                       |
| Dr. Don Rafael H. Elizalde.   | Dr. Manuel Gondra.              |
| Great Britain:                | Mr. Arturo Campos.              |
| Right Hon. G. N. Barnes.      | Peru:                           |
| Mr. D. S. Marjoribanks.       | Mr. Carlos Prevost.             |
| Mr. G. H. Stuart-Bunning.     | Dr. Eduardo Higginson.          |
| Guatemala:                    | Mr. Vicente Gonzales.           |
| Mr. Francisco Sanchez Latour. | Mr. Victor Pujazon.             |
| Dr. Ramon Bengoechea.         | Portugal:                       |
| Mr. Alfredo Palomo Rodriguez. | Mr. Alvaro de Lacerda.          |
| Mr. Manuel Moreno.            |                                 |

Siam:

Phya Prabha Karavongse.  
Phya Chanindr Bhakdi.

South Africa:

Mr. H. Warrington Smyth.  
Mr. Archibald Crawford.  
Mr. William Gemmill.

Spain:

Viscount de Eza.  
Mr. Adolfo Gonzales Posada.  
Mr. Alfonso Sala.

Belgium:

Mr. Ernest Mahaim.  
Mr. Jules Carlier.  
Mr. Cornille Mertens.  
Mr. Michel Lévie.

Canada:

Mr. P. M. Draper.

Czecho-Slovakia:

Mr. Charles Spinka.  
Mr. J. Sousek.

Denmark:

Mr. S. Neumann.  
Mr. C. V. Bramsnaes.  
Mr. H. Vestesen.  
Mr. C. F. Madsen.

Finland:

Judge Niilo A. Mannio.

France:

Mr. Arthur Fontaine.  
Mr. Max Lazard.  
Mr. Louis Guérin.

Greece:

Mr. John Sofianopoulos.  
Mr. Angelus Skinzopoulos.  
Mr. Eugene Cantacuzène.

Italy:

Baron Mayor des Planches.  
Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini).  
Comm. E. Baroni.

Switzerland:

Dr. Hans Sulzer.

Uruguay:

Dr. Jacobo Varela.

Venezuela:

Dr. S. A. Dominici.  
Mr. César Zumeta.

NO—39.

Netherlands:

Mgr. W. H. Nolens.  
Mr. G. J. van Thienen.  
Mr. J. Oudegeest.

Norway:

Mr. Jens Teigen (substitute for Mr Ole Lian).

Poland:

Mr. Franciszek Sokal.  
Mr. Jozef Rymer.  
Mr. Jan Zagleniczny.  
Mr. Edmund Bernatowicz.

Portugal:

Mr. Jose Barbosa.  
Mr. Alfredo Franco.

Roumania:

Mr. C. Orghidan.

Sweden:

Judge A. Erik M. Sjöborg.  
Senator R. G. Hjalmar von Sydow.  
Mr. A. Herman Lindqvist.  
Senator Halfred von Koch.

Switzerland:

Dr. Hermann Rufenacht.  
Mr. Dietrich Schindler.

The PRESIDENT. The vote on this question is 44 for; 39 against; and the motion is therefore agreed to. [Applause.]

It is within six minutes of adjournment time. Shall we proceed to the further consideration of the agenda or shall we recess for luncheon?

Mr. MOORE (Canada—substitute for Mr. Draper). I move you, Mr. President, that we remain in session until the work of the convention is completed.

The PRESIDENT. Without objection, we will continue in session.

The secretary will present the questions for the next agenda.

The next item on the program is the consideration of the agenda for the next conference.

Mr. Fontaine.

Mr. FONTAINE (France). Among 14 resolutions submitted, a large number have to do with placing certain subjects upon the agenda of the next conference. The subjects which may be placed on the agenda of the next conference with any chance of success are far less numerous than the proposals which have been made. I believe that we should restrict ourselves to entering on the agenda of the next conference one or perhaps two subjects, consideration of which is compulsory, and allow the governing body to discriminate with regard to the rest.

Incidentally I recall that a two-thirds vote is necessary for the compulsory entry of a subject on the agenda of the next conference. There is first of all the question of a special seamen's conference. This first question can be considered as solved, as in the text which you have voted for relative to the 8-hour day and the 48-hour week, the holding of this special conference is expressly provided for, and as the convention received a two-thirds vote, we can therefore concede that the whole question is settled as far as the work of seamen is concerned. Two-thirds of those voting have declared themselves in favor of the special conference.

There remain two other matters, which I, for my part, consider of the utmost importance. One has to do with agricultural labor.



You may be for or against entering this on the agenda, but it seems to me impossible to avoid taking a vote on it, inasmuch as special importance was given to agricultural questions at the conference of the International Labor Organization at Paris and inasmuch as it was partly due to agricultural questions that two Government delegates were allowed.

There is a second question which in my opinion should be entered on the agenda—that is—the question of revising the constitution of the International Labor Organization with regard to the personnel of the governing body. I did not vote in favor of the motion made by Mr. Gemmill. But as I have explained, I did not object to the substance of his proposal; I considered it perfectly natural that the constitution should be revised so as to insure a more harmonious and perhaps a fairer distribution of seats on the governing body, taking account of all the factors in the problem. Consequently I believe it necessary before proceeding to a vote on this proposal—and it will be still more important afterwards—to enter on the agenda of the next conference the question of revising that part of the constitution which refers to the composition of the governing body.

I believe that it would be wise not to vote on other matters, and to discard the rest of the long list of proposals that we are asked to enter on the agenda of the next conference. I believe that it would be better to leave it to the discretion of the governing body as to whether they could profitably be entered on the agenda.

Mr. SALA (Spain). I move that the conference add to the subjects just enumerated by Mr. Fontaine for the next conference, vocational training. I do this because I believe that vocational training is one means of benefiting the working classes and especially as in so doing we would be complying with the preamble of the peace treaty, part 13 of which represents vocational training as a means of improving the conditions of the working classes along with wages, hours of work, etc. I move that the conference add to the measures just suggested by Mr. Fontaine, vocational training as a means of improving the conditions of the working classes.

Mr. CASTIGLIONE (Italy). With regard to what Mr. Fontaine has said I have the honor to submit to the examination and the approval of this conference the following motion:

Resolved that a draft international convention for the protection of agricultural wage earners shall be submitted at the International Labor Conference of 1920.

I do not need to give an extended explanation of my motion. Those who have followed the work of the International Commission on Labor Legislation at the Peace Conference know that in that body the matter of international protection for agricultural wage earners was adequately discussed. The fact that the commission decided to have two Government representatives for each State is due precisely to the reason that in that way they wanted to give opportunity for the agricultural wage earners interested to be represented at the annual conference. I only want to call the attention of the conference to the fact that it is very urgent to give protection to agricultural wage earners, both as a protection for industrial wage earners who will be affected by competition from that field if they are not protected, and for social welfare in general. So I have the honor to make this motion, and I beg the chairman to put it to a vote.

BARON MAYOR DES PLANCHES (Italy). I would remind the assembly that there is now before it a motion presented by Mr. Lazard and signed by Viscount de Eza, Mr. Sokal, and myself. This motion is related to that proposed by the preceding speakers. It provides for the entering of the following subjects on the agenda of the next session of the International Labor Conference:

(a) Agreement to be established between laws relative to the prohibition of child labor and those relative to compulsory education.

(b) Limitation of the working hours of young persons of both sexes with a view to furthering their general and vocational training.

I do not believe that there is any necessity for further amplifying these two proposals, the importance of which is obvious. We have passed motions and we have drawn up regulations limiting child labor; now we must provide for the time before the child is admitted to industry. There is no better way of spending this time than by

giving more education, a general one, as well as vocational, as far as is possible.

I therefore move that this twofold proposal be classed with subjects to be discussed by the next International Labor Conference.

The PRESIDENT. The question is on the motion of Mr. di Palma, that a draft international convention for the protection of agricultural wage earners be submitted at the International Labor Conference of 1920. It requires a two-thirds, as well as a record vote, to place any item on the agenda for the next conference.

Mr. LAZARD (France). I wish to say just a word. We ought to accept the system proposed by the governing body, that of adopting three subjects, and leaving the rest to the discretion of the governing body. If, however, we have to consider any other question whatever, whether the motions of Mr. Sala, Mr. di Palma, Baron Mayor des Planches or mine, or that of Viscount de Eza, and others, then it seems to me necessary for us to consider all the questions proposed for the agenda of the next conference. We do not know what they all are. They have been published in the proceedings, but we have no complete collection. How can we tell what to select?

If we are to give general, if not specific, directions to the governing body, then we must have before us all the motions which have been presented up to the present time.

The PRESIDENT. Mr. Moore, of the Canadian delegation.

Mr. MOORE (Canada). Would an amendment be in order to leave the entire question of the agenda to the governing body? I ask that for this particular reason: I find that article 400 of the treaty says that the agenda for all meetings of the conference will be settled by the governing body, which shall consider any suggestions as to the agenda that may be made by the Government of any of the members or by any representative organization recognized for the purpose of article 389. With that in view, Mr. Chairman, I feel that there would be ample opportunity for each of the representative bodies from every country here to consider carefully what we have done at this conference and what may be necessary to perfect the conventions already referred to which may well be made subject matters for the next conference even in preference to new subjects. Further, in looking around the conference room I find that it is hardly fair to say that this gathering would be sufficiently representative to come to a decision as to what subjects should take precedence on the next agenda paper, and if you will accept it, sir, I would move as an amendment that the whole question of the agenda for the next meeting be left to the governing body in the same manner as the organizing committee undertook the work for this conference, and that each of the different groups should send their suggestions and resolutions to the governing body for consideration in harmony with section 400. [Applause.]

The PRESIDENT. A motion as a substitute for the motion before the house will be in order and will be entertained by the Chair.

Mr. MOORE (Canada). All right; I will make it.

Mr. CRAWFORD (South Africa). Mr. Chairman, I would like to move an amendment, that the under-mentioned items, that is, the three items referred to by Mr. Fontaine, be placed on the agenda for the next conference and that the governing body be requested to deal with the remaining motions of which notice to move has been given, to the best advantage of the work of the conference.

The PRESIDENT. The Chair is advised that Mr. Crawford's motion is identical with that presented by Mr. Fontaine, although the Chair did not understand at the time that Mr. Fontaine made his statement that he had presented such a motion.

Mr. Crawford's amendment to Mr. Moore's substitute is before the conference. Mr. Gondra is recognized.

Mr. GONDRA (Paraguay). I second Mr. Crawford's amendment to Mr. Moore's motion.

Mr. EDSTROM (Sweden). Mr. President, I second Mr. Moore's motion.

The PRESIDENT. Judge Castberg is recognized.



Judge CASTBERG (Norway). Mr. President, I also will second this motion. I think it would not be fair to take one, two, or three of the motions that are put into the record and treat them in any way different from other motions. I also have a motion if the motion which is made by Mr. di Palma is carried, namely:

*Resolved*, That the question of prescribing a 48-hour week for those processes which by their nature are required to be carried on continuously by a succession of shifts shall be included in the agenda for the next conference.

It is a very important question, but I will not take it up if Mr. Crawford's motion is carried. I second that motion.

The PRESIDENT. M. Nolens is recognized.

Mgr. NOLENS (Netherlands). It seems to me that Mr. Fontaine's proposal is perfectly reasonable. But if the conference is of the opinion that the complete agenda of the next conference should be discussed here then we must first vote on the motion made by Mr. Fontaine. If this motion were carried there would be no further necessity of considering individual questions. If the motion were not carried, we would be precipitated into interminable discussions. There are all sorts of opinions which could be convincingly put forward with regard to the agenda of the next conference. It seems to me that it would be better to finish the matter and vote on Mr. Fontaine's motion. If it is not carried then other subjects can be brought up, and it seems to me that in this way the matter can be more intelligently discussed.

The PRESIDENT. The Chair is of the opinion that the motion made by Mr. Crawford is the one that should be presented to the conference first. It is an amendment to the motion made by Mr. Moore. Mr. Crawford, however, in his motion, proposes that the three questions mentioned by Mr. Fontaine be included in the agenda, while the Chair is advised that there were but two questions suggested by Mr. Fontaine, that of the composition of the governing board and that of agricultural labor.

Mr. CRAWFORD (South Africa). I will alter it to two, Mr. Chairman. I do not want a controversy over the matter.

The PRESIDENT. The question is on the motion of Mr. Crawford. Those who are in favor will say yes, those opposed will say no, and the secretary will call the roll.

Mr. MARJORIBANKS (Great Britain). May I ask what the motion is?

The CLERK. The motion is that two subjects be placed on the agenda for the next meeting by the decision of the conference, those two subjects being the revision of the by-laws as to the composition of the governing body and that of agricultural labor, the rest being left to the governing body.

[Roll call.]

YES—42.

|  |  |
|--|--|
| <b>Brazil:</b>   | <b>Norway:</b>                                 |
| Mr. Afranio de Mello Franco.                                 | Judge Johan Castberg.                          |
| Mr. Carlos Sampaio.  | Judge I. M. Lund.                              |
| <b>Chile:</b>  | Mr. G. Paus.                                   |
| Mr. Felix Nieto del Rio.                                     | Mr. Jens Teigen (substitute for Mr. Ole Lian). |
| <b>France:</b>   | <b>Paraguay:</b>                               |
| Mr. Arthur Fontaine.   | Dr. Manuel Gondra.                             |
| Mr. Max Lazard.  | Mr. Arturo Campos.                             |
| Mr. Léon Jouhaux.  | <b>Peru:</b>                                   |
| <b>Greece:</b>   | Dr. Eduardo Higginson.                         |
| Mr. John Sofianopoulos.                                      | Mr. Victor Pujazon.                            |
| Mr. Angelus Skinzopoulos.                                    | <b>Poland:</b>                                 |
| Mr. Timoleon Lamprinopoulos.                                 | Mr. Edmund Bernatowicz.                        |
| <b>Guatemala:</b>  | <b>Portugal:</b>                               |
| Mr. Manuel Moreno.   | Mr. Alfredo Franco.                            |
| <b>Italy:</b>  | <b>Siam:</b>                                   |
| Baron Mayor des Planches.                                    | Phya Chanindr Bhakdi.                          |
| Mr. G. di Palma Castiglione (substitute for Mr. A. Cabrini). | <b>South Africa:</b>                           |
| Comm. E. Baroni.   | Mr. H. Warrington Smyth.                       |
| <b>Japan:</b>  | Mr. Archibald Crawford.                        |
| Mr. Uhei Masumoto.   | Mr. William Gemmill.                           |
| <b>Netherlands:</b>  | <b>Spain:</b>                                  |
| Mgr. W. H. Nolens.   | Viscount de Eza.                               |
| Mr. G. J. van Thlenen.                                       | Mr. Adolfo Gonzales Posada.                    |
| Mr. J. Oudegeest.  | Mr. Alfonso Sala.                              |
| <b>Nicaragua:</b>  | Mr. Francisco Largo Caballero.                 |
| Señor Don Ramon Enriquez.                                    | <b>Sweden:</b>                                 |
|  | Mr. A. Hermann Lindqvist.                      |

**Switzerland:**  
Dr. Hans Sulzer.  
Dr. Hermann Rufenacht.  
Mr. Dietrich Schindler.

**Uruguay:**  
Dr. Jacobo Varela.  
**Venezuela:**  
Mr. César Zumeta.

NO—14.

**Argentina:**  
Mr. Americo Balino.  
**Canada:**  
Hon. Newton W. Rowell.  
Mr. S. R. Parsons.  
Mr. P. M. Draper.

**Cuba:**  
Dr. Carlos Armenteros.  
**Czecho-Slovakia:**  
Mr. Charles Splnka.  
**France:**  
Mr. Louis Guérin.

**Guatemala:**  
Mr. Francisco Sanchez Latour.  
Dr. Ramon Bengoechea.  
Mr. Alfredo Palomo Rodriguez.

**Japan:**  
Mr. Sanji Muto.

**Sweden:**  
Judge A. Erik M. Sjöborg.  
Senator R. G. Hjalmar von Sydow.  
Senator Halfred von Koch.

The SECRETARY GENERAL. The result of the vote is 42 in favor of the motion, 14 against. That is less than a quorum.

Mr. CRAWFORD (South Africa). Mr. Chairman, may I suggest that you invite any delegates who have not voted to still record their votes?

A DELEGATE. No, no.

The PRESIDENT. There being no quorum present, the question can not be referred to the agenda for the next conference on the vote as taken.

Mr. Marjoribanks is recognized.

Mr. MOORE (Canada). Would it not be in order, Mr. Chairman, to take a vote on my motion?

The PRESIDENT. Mr. Marjoribanks is recognized.

Mr. MOORE (Canada). This is a point of order, Mr. Chairman. You said "no quorum present." There may be a quorum present, although every one did not vote. I accept that ruling; but would it be in order to test the vote on my motion now and see whether a quorum was favorable to that?

The PRESIDENT. Upon this question there is no quorum. Consequently the motion is not agreed to.

The question now recurs on the original motion of Mr. Moore. Those in favor of the motion of Mr. Moore that all of the questions be referred to the governing board will vote yes; those opposed will vote no; and the secretary will call the roll.

The Chair's attention is called to the fact that this motion does not propose to put any question on the agenda. It simply proposes to refer all questions to the governing board. Consequently, a roll call and a two-thirds vote is not necessary.

The question is on the motion of Mr. Moore to refer the matter to the governing board. As many as favor the motion will raise their right hands and keep them raised until counted.

[Votes counted.]

Those opposed will raise their right hands.

[Votes counted.]

The vote on this question is 64 for and 7 against. The motion is therefore agreed to.

Before the motion for the adjournment is proposed, may I have the honor of presenting to the conference the Director General of the Pan-American Union, who desires to say a few words to you on behalf of the governing board? [Applause.]

Mr. BARRETT, Director General, Pan American Union. Mr. Chairman and gentlemen, I am not authorized to speak on behalf of my governing board, but I simply wish to say to you, as host of the house, as the executive officer of the Pan American Union, that it has been a very great honor and privilege to have you in this building, and in the long years that will pass we shall look back with pleasure that we could have entertained here the representatives of so many nations who have gathered together in such important council.

I have no official connection with this meeting, but as you go out from our house, so to speak, no matter what may have been your differences here, I hope you will have a happy remembrance of the Pan American Building, of the Pan American Union, and of all connected with it. Wherever you go, remember that we will wel-



come you if you come back here, and that the gates of our house will always be open in welcome to you, whether you are of America, Europe, Asia, Australia, or Africa. May you further command us at any time if we can ever give you any information relating to America that will be valuable to you, wherever you may be. By America I mean all America, from Canada on the north to Chile and Argentina in the far south. We, I say, are happy to have had you, and we bid you Godspeed.

The PRESIDENT. Baron des Planches.

Baron Mayor des PLANCHES (Italy). We have a most agreeable task, to thank the Pan American Union and its eloquent director, my old friend, Mr. John Barrett, whom we have just heard speak, for the willing and courteous hospitality which has been accorded us during a month of toilsome labor.

I do not know whether we have accomplished all that we wished, whether we have done everything that we intended to do, but I do know that we have accomplished something worth while, and in my opinion the best way of thanking Mr. Barrett and the Pan American Union for the hospitality extended us is to leave behind to this building so hospitably open to us, as a worth while souvenir for humanity, the work accomplished here.

We thank Mr. Barrett, we thank the Pan American Union, and we shall always have the happiest recollections of the hospitality extended us. [Applause.]

The PRESIDENT. Mr. Nolens.

Mgr. NOLENS (Netherlands). Mr. President, in the first place I wish to congratulate you on the result of the conference, and to thank you for your efforts in presiding over it, under rather difficult circumstances, considering your other burdensome and numerous duties—a conference which was not always easy to handle, and which from time to time—may the parliamentarians forgive me—seemed like a regular parliament.

And, Mr. President, I also wish to fulfill a duty toward those not here; those who were in a sense our predecessors. This conference, at the results of which I rejoice from the bottom of my heart, and the practical consequences of which I hope may, with the indispensable blessing of God, be most salutary for social peace, this conference, I say, may be considered as a prolongation, an extension, a more official continuation of the efforts undertaken on the initiative of those whom I shall call the promoters of this conference. I have in mind first and foremost the International Association for Labor Legislation, and such men as Scherrer, von Berlepsch, Fontaine, and Lachenal. I am thinking also of the International Association on Unemployment, and the Permanent International Commission of Social Insurance.

This is neither the time nor the place to expatiate on the activities of these three international institutions, their influence on public opinion, on national legislation, the thirteenth part of the peace treaty, or on the organization and purpose of this conference. I do not know, nor do I wish to inquire, whether there will still be room for these organizations, and if so, what place they will occupy—I hope that they will continue to exist—nor do I know what relations will obtain between these organizations and this conference. But it seems to me that it is fitting to express here, publicly, our gratitude to these three international organizations, the forerunners, so to speak, of this more official conference, by paying our respects at least to those who occupied the presidency at the time of their last meetings, in 1910, 1912, and 1913—Mr. Henri Scherrer, Mr. Raymond Poincaré, and Mr. Léon Bourgeois.

The PRESIDENT. Mr. Carlier is recognized.

Mr. CARLIER (Belgium). Mr. President, the employers did me the great honor of appointing me vice president of this conference, and it is my duty and at the same time my great pleasure to second on their behalf the words which Dr. Nolens has just spoken thanking you for having done us the honor of presiding over this conference.

You have enabled us, Mr. President, to see that the Government of the United States was favorably disposed toward the work of this conference, for which we thank you with all our hearts. We also

beg that you will convey to the President of the United States, to whose initiative we owe this conference, as well as to your colleagues in the Cabinet, our gratitude for your presence in the chair here, and for all the consideration which they have shown us.

I am not nor have I been heré the only employer—all the conference is composed of employers, employers of those who have collaborated with us, of the secretary general, the assistant secretaries, and all those responsible for the administration of this conference. And I wish, at this time when I am going to be occupied with the same task myself, not to forget the interpreters, of whom we have been the often extremely hard and exacting taskmasters.

It is with these sentiments, Mr. President, that I join in the sentiments expressed in your regard by Dr. Nolens, and that I add our thanks to all those in office here.

Mr. OUDEGEEST (Netherlands—remarks in Dutch). I may be permitted to speak on behalf of the workers. I can second everything that has been said by the gentleman speaking on behalf of the Government and the gentleman speaking on behalf of the employers. I am glad to find that we have established a sound basis for further social legislation, trying to unite what has so long been separated.

Now, if we have been able to come to this result we owe it, in a great measure, to the impartiality and excellent way of conducting affairs of our president, and we also owe it to the faithful work done by the numerous secretarial staff, and if, in the future, we have other conferences and we meet in other places, we shall certainly always keep a grateful memory of the work done for us by President Wilson and by our staff.

Dr. GONDRA (Paraguay—remarks in Spanish). I wish to second what has been said by M. Carlier. Our thanks are due to the Government of the United States for all that they have done for us. The United States, in participating in the war and in participating in the treaty conference in France, have taken part in writing one of the most beautiful pages of history, and this consists in making part of the peace negotiations the preparative of this conference, that is to say, the preparing of legislation for the purpose of establishing harmony between capital and labor. Therefore, I give all my thanks to the United States Government. [Applause.]

The PRESIDENT. Ladies and gentlemen of the conference, before you leave this building and this city and this country for your respective homes, I desire to express to you my hearty appreciation of your unfailing courtesy toward each other and toward the presiding officer, which has made it for the presiding officer a comparatively easy task to handle your parliamentary affairs.

I am greatly impressed with the idea that you have been hewing out the blocks for the foundation of a structure to shelter the toiling masses of the future. You have worked patiently, you have brought a splendid enthusiasm, the high standard of intelligence, the thorough earnestness toward the laying of this foundation. And I am sure that I express your hopes, I am sure that I express the hopes of the peoples of all the world, that time may develop the fact that you have built well, that you have laid the foundation for a structure that will stand down through all the ages as the protector of the toilers of the world.

I thank you sincerely for your courtesy toward myself personally and toward the people of my country generally with whom you have come in contact. I have been sorry that my own work in connection with my Government has been such that I have not been able to make your acquaintance as thoroughly as I would have desired to do. I have been sorry that the President of our country has been unable to be with you in person, but I know he has been here in spirit, and I know that the bulk of our people have been here with you in spirit, and you may go forth into your respective lands and all the lands of the world with the feeling that the people of America are with you in the creation of this structure that you have started to build. I thank you on behalf of the United States and on my own behalf. [Applause.]

Secretary General Butler.



The SECRETARY GENERAL. May I just say one word to thank Mr. Carlier and Mr. Oudegeest for the kind words that they have spoken about the staff. The staff was drawn from a number of different nationalities, and all of them have worked very long hours and with great enthusiasm because they realized that they were assisting in a great movement, and that upon their work its success must to some extent depend. Any success which they may have had seems to me to show that international cooperation may be as successful in the realm of administration as the conference has shown it to be in the realm of legislation. [Applause.]

The PRESIDENT. Without objection, the conference will stand adjourned without date, subject to the call of the governing board.

There being no objection, the conference is adjourned without date.

[Whereupon, at 2.15 p. m., the conference was adjourned sine die, subject to the call of the governing board.]

#### The following delegates were present:

|  |   |
|--|---|
| Argentina:   | Cuba:   |
| Dr. Leonidas Anastasi.                                   | Mr. Carlos Armenteros.                                |
| Dr. Felipe Espil.  | Mr. Francisco Carrera Justiz.                         |
| Mr. Hermenegildo Pini.                                   | Czecho-Slovakia:                                      |
| Mr. Americo Balino.                                      | Mr. J. Sousek.  |
| Belgium:   | Mr. Charles Splnka.                                   |
| Mr. A. Julin (substitute for Mr. Michel Lévie).          | Mr. R. Tayerle  |
| Mr. Ernest Mahaim.                                       | Denmark:  |
| Mr. Jules Carlier.                                       | Mr. S. Neumann.                                       |
| Mr. Corneille Mertens.                                   | Mr. C. V. Bramsnaes.                                  |
| Brazil:  | Mr. Peder Hedeboel (substitute for Mr. C. F. Madsen). |
| Mr. Carlos Sampaio                                       | Ecuador:  |
| Mr. Fausto Ferraz.                                       | Dr. Don Rafael H. Elizalde.                           |
| Canada:  | Finland:  |
| Hon. Newton W. Rowell.                                   | Judge Niilo A. Mannio.                                |
| Hon. Gideon D. Robertson.                                | Mr. Robert Lavonius.                                  |
| Mr. James G. Merrick (substitute for Mr. S. R. Parsons). | Mr. Matti Paasivouri.                                 |
| Mr. Tom Moore (substitute for Mr. P. M. Draper).         | France:   |
|  | Mme. Letellier (substitute for Mr. Arthur Fontaine).  |
|  | Mr. Max Lazard.                                       |

#### France—Continued.

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| Mr. Louis Guérin.  |
| Mr. Léon Jouhaux.  |
| Great Britain:   |
| Right Hon. G. N. Barnes.                                     |
| Sir Malcolm Delevingne.                                      |
| Mr. A. C. Ross (substitute for Mr. D. S. Marjoribanks).      |
| Greece:  |
| Mr. John Sofianopoulos.                                      |
| Mr. Angelus Skinzopoulos.                                    |
| Mr. Eugene Cantacuzène.                                      |
| Mr. Timoleon Lamprinopoulos.                                 |
| Guatemala:   |
| Mr. Francisco Sanchez Latour.                                |
| Dr. Ramon Bengoechea.  |
| Mr. Alfredo Palomo Rodriguez.                                |
| Mr. Manuel Moreno.   |
| India:   |
| Mr. Narayan Malhar Joshi.                                    |
| Italy:   |
| Baron Mayor des Planches.                                    |
| Dr. G. di Palma Castiglione (substitute for Mr. A. Cabrini). |
| Comm. E. Baroni.   |
| Mr. Gino Baldesi.  |
| Japan:   |
| Mr. Eikichi Kamada.  |
| Mr. Sanju Muto.  |
| Mr. Uhei Masumoto.   |
| Netherlands:   |
| Mgr. W. H. Nolens.   |
| Mr. J. A. E. Verkade.  |
| Mr. J. Oudegeest.  |
| Nicaragua:   |
| Señor Don Ramon Enriquez.                                    |
| Norway:  |
| Judge Johan Castberg.  |
| Mr. Th. G. Thorsen (substitute for Judge I. M. Lund).        |
| Mr. G. Paus.   |
| Mr. J. Teigen (substitute for Mr. Ole Lian).                 |
| Paraguay:  |
| Dr. Manuel Gondra.   |
| Persia:  |
| Mirza Abdul Ali Khan   |

#### Peru:

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| Mr. Carlos Prevost.  |
| Mr. Vicente Gonzales.  |
| Mr. Victor A. Pujazon.   |
| Poland:  |
| Mr. Franciszek Sokal.  |
| Mr. Jozef Rymer.   |
| Mr. Jan Zagleniczny.   |
| Portugal:  |
| Mr. Fernandes (substitute for Mr. Jose Barbosa).                 |
| Roumania:  |
| Mr. Gregoire Michaelesco.  |
| Salvador:  |
| Mr. Salvador Sol.  |
| Serbs, Croats, and Slovenes:                                     |
| Dr. Velimir Stoykovitch (substitute for Dr. Slavko Y. Grouitch). |
| Mr. Marko Bauer.   |
| Siam:  |
| Phya Prabha Karavongse.  |
| Phya Chanindr Bhakdi.  |
| South Africa:  |
| Mr. H. Warrington Smyth.   |
| Mr. William Gemmill.   |
| Mr. Archibald Crawford.  |
| Spain:   |
| Mr. J. Gascon (substitute for Mr. Adolfo Gonzalez Posada).       |
| Mr. Francisco Largo Caballero.                                   |
| Sweden:  |
| Dr. E. Gunnar Huss (substitute for Judge A. Erik M. Sjöborg).    |
| Senator R. G. Halfred von Koch.                                  |
| Mr. J. S. Edström (substitute for Senator Hjalmar von Sydow).    |
| Mr. A. Herman Lindqvist.   |
| Switzerland:   |
| Dr. Hans Sulzer.   |
| Dr. Hermann Rufenacht.   |
| Mr. Dietrich Schindler.  |
| Mr. Conrad Ilg.  |
| Uruguay:   |
| Dr. Jacobo Varela.   |
| Venezuela:   |
| Dr. Don Santos A. Dominici.                                      |







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# APPENDIX

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## REPORTS OF COMMITTEES AND COMMISSIONS OF THE CONFERENCE.

### COMMITTEE OF SELECTION.

|   |   |
|---|---|
| Chairman.....                                     | Mr. Arthur Fontaine (France).             |
| Government delegates ....                         | Dr. Felipe Espil (Argentina).             |
|   | Mr. Ernest Mahaim (Belgium).              |
|   | Hon. G. D. Robertson (Canada).            |
|   | Mr. S. Neumann (Denmark).                 |
|   | Mr. Arthur Fontaine (France).             |
|   | — (Germany).                              |
|   | Sir Malcolm Delevingne (Great Britain).   |
|   | Mr. di Palma Castiglione (Italy).         |
|   | Dr. M. Oka (Japan).                       |
|   | Mr. F. Sokal (Poland).                    |
|   | Mr. Adolfo Posada (Spain).                |
| Employers' delegates.....                         | Mr. Hans Sulzer (Switzerland).            |
|   | Mr. F. Hodacz (Czecho-Slovakia).          |
|   | Mr. Louis Guérin (France).                |
|   | Mr. D. S. Marjoribanks (Great Britain).   |
|   | Mr. E. Baroni (Italy).                    |
|   | Mr. Sanji Muto (Japan).                   |
|   | Mr. A. Sala (Spain).                      |
| Workers' delegates.....                           | Mr. Corneille Mertens (Belgium).          |
|   | Mr. Léon Jouhaux (France).                |
|   | Mr. G. H. Stuart-Bunning (Great Britain). |
|   | Mr. Jan Oudegeest (Netherlands).          |
|   | Mr. F. L. Caballero (Spain).              |
|   | Mr. A. H. Lindqvist (Sweden).             |
| Secretary, Mr. H. B. Butler (Great Britain).      |   |
| Assistant Secretary, Capt. Edgar Abraham (India). |   |

### REPORT OF THE CHAIRMAN OF THE COMMITTEE OF SELECTION ON VARIOUS PROPOSALS SUBMITTED TO THE GOVERNING BODY OF THE INTERNATIONAL LABOR CONFERENCE.

1. (a) Proposal of the Peruvian delegation relating to the definition of the term "labor;" (b) proposal of the delegate from Ecuador relating to compulsory labor.

(a) The proposal of Peru is as follows:

That the International Labor Conference shall define the term "labor" as follows: Any physical or mental effort of man having for its object the production, transformation, distribution, accumulation, or consumption of property, whether the compensation therefore be called wage, salary, or fee.

(b) The proposal of Ecuador, the grounds for which may be read in the printed document distributed a few days ago, is as follows:

The International Labor Conference recommends to the Governments the necessity of adopting suitable legislation in order to establish universal compulsory labor in keeping with individual aptitudes and within the limitations required by a proper regard for health and human life.

These two proposals, which do not appear on the agenda, can only be referred to the governing body of the International Labor Office, which will consider whether there is reason to place them on the agenda of a future session.

2. Proposals relating to the protection of wage earners in agriculture.

Dr. di Palma Castiglione, delegate from the Italian Government, filed the following proposal November 5, 1919:

It is decided that a draft international convention for the protection of agricultural wage earners shall be submitted at the International Labor Conference of 1920.

At the session of November 7, Mr. Léon Jouhaux read the following proposal, among the additional articles proposed by the workers' delegation relating to the eight-hour day:

The fact that the present convention does not examine the details and methods of enforcement of the eight-hour day in maritime pursuits, the fact that the present convention contains no clause relative to agricultural labor, in no way implies that any exception is intended. In this light the International Labor Office is charged to hold a special session to take up the case of each of these industries with as little delay as possible.

The committee of selection can not confine itself to referring these proposals to the governing body for action. In fact, a special proposal, at least as regards the first one, is being formulated to the effect that it shall be placed on the agenda for the annual conference of 1920.

The last paragraph of article 16 of the Standing Orders provides as follows:

If the conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the delegates present that any subject shall be considered by the conference, that subject shall be included in the agenda for the following meeting.

If therefore the conference is of opinion that the governing body should be required to put this question upon the agenda for 1920, it must so declare by a vote.

3. *Maritime labor.*—The proposal of Mr. Jouhaux, in the name of the workers' delegations, referred to above, requests that the governing body of the International Labor Office be instructed to call a special session of the conference as soon as possible, a session which shall be devoted to the regulation of working hours in ocean transport.

Also, the French Government announced through its delegates that it requested a special session of the International Conference to be convened at the earliest possible moment, for the consideration of work on board ships and the adoption of the eight-hour day. At the same time it requested the organization of a maritime division in the International Labor Office.

The request for a maritime division in the permanent International Office can not be placed before the governing body.

The question of holding a special meeting is supported by the resolution formulated by the commission on international labor legislation of the peace conference, which runs as follows:

The commission considers that the very special questions concerning the minimum conditions to be accorded to seamen might be dealt with at a special meeting of the International Labor Conference devoted exclusively to the affairs of seamen.

In order to make such a session compulsory it may perhaps be judged necessary for this conference to take a formal vote, which will then have to be an expression of two-thirds of the members present. In any case the session will have to be arranged by the governing body, which will doubtless be persuaded to organize a maritime division.

We call the attention of the assembly to the fact that the session of the conference devoted to maritime labor would come under the same by-laws and regulations as the other sessions. Each Government, however, will doubtless send other delegates, appointed because of their knowledge of maritime questions. It is understood that according to the by-laws the credentials of the delegates and technical advisers will be valid only for the particular session.

To sum up, it is proper to leave to the future governing body the various questions indicated, and this report is simply taking cognizance of these questions. But we request the conference to take a stand on the two following points:



A. Whether the following should be entered on the agenda of the next session of the International Labor Conference:

Questions relating to working conditions in agriculture or at least the length of the working day in agricultural pursuits.

B. Whether a special session of the International Labor Conference should be convened at the earliest possible moment, in a city considered most suitable for such a purpose by the governing body, to consider the question of maritime labor, and more particularly the question of the length of the working day on ships.

The scope of the question is probably to be precisely defined in the draft convention relating to the eight-hour day.

ARTHUR FONTAINE.

### COMMISSION ON CREDENTIALS.

Chairman.....Sir Malcolm Delevingne (Great Britain).

Government delegate. ....Sir Malcolm Delevingne (Great Britain).

Employers' delegate.....Mr. Jules Carlier (Belgium).

Workers' delegate.....Mr. Jan Oudegeest (Netherlands).

Secretary, Mr. H. J. W. Hetherington (Great Britain).

### REPORT OF THE COMMISSION ON CREDENTIALS TO THE INTERNATIONAL LABOR CONFERENCE.

The commission on credentials has the honor to present the following report:

1. Credentials have been received in respect of all the delegates present at the conference. In pursuance of the fourth paragraph of article 3 of the draft standing orders the commission has regarded its duty as limited to an examination of the cases to which attention was drawn by the report of the organizing committee or by individual objections and have not considered it necessary to scrutinize the credentials in those cases where the appointment of the delegate has not been challenged. They desire, however, to remark that the credentials submitted differ greatly in point of form, some giving precise information as to the industrial organization of employers and workers consulted in regard to the appointment of non-Government delegates, others giving no such information. It would simplify the task of verifying the credentials if such information were given in all cases. The commission suggests that the question should receive the attention of the International Labor Office whose duty it will be to report on the credentials of delegates to future conferences.

2. Protests have been laid before the commission in regard to the constitution of the delegations of France, South Africa, Japan, Cuba, and Argentina.

3. The protest in regard to the French delegation is contained in a letter which has been addressed by the French Confederation of Christian Workers to the French Minister of Labor and has been referred by the Minister to the conference. It complains that the representatives of French labor are drawn solely from the Confédération Générale du Travail of France and include no members of the workers' organizations not affiliated with the confederation. The minister states that the Confédération Générale includes at least 1,300,000 members, and the Confederation of Christian Workers 75,000 at most. As the treaty requires that the employers' and workers' representatives shall be appointed by the Governments in agreement with the industrial organizations most representative of employers and workers, and as there is no question that the Confédération Générale du Travail is the organization most representative of the workers in France, it appears that the French Government has acted strictly in accordance with the provisions of the treaty. The commission recommends that no action be taken on the protest.

4. The protest in regard to the South African delegation is contained in a letter addressed to the secretary of the conference by the National Union of Railway and Harbor Services, Cape Town. It complains that the union has not been consulted in regard to the choice of the labor delegate. The commission received the following

particulars from the official delegate of the South African Government: The labor delegate is the secretary of, and was appointed in consultation with, the South African Federation of Trades. The federation includes the mine workers' union, the society of carpenters and joiners, the society of engineers, the building workers, and the association of tramway employees and engine drivers. It has a registered membership of 43,000. Associations not affiliated with the federation are the railway workers, the Cape trades-unions federation, the municipal employees' union, and the typographical union. The membership of the railway workers' union is uncertain. The other nonaffiliated unions have a registered membership of 14,000. The total number of workers in the mines, factories, and railways of South Africa (excluding native colored and Asiatic labor) is stated to be 110,000. The commission, on the information before them, finds no sufficient ground for questioning the appointment of the labor delegate for South Africa, and recommends that no action be taken on the protest.

5. The protest in regard to the Japanese delegation is contained in a letter addressed to Mr. Gompers by Mr. Suzuki of the Federation of Labor of Japan and others, and submitted by Mr. Gompers to the conference. It complains that the procedure adopted by the Japanese Government in the selection of a labor delegate has been irregular. The commission is informed by the official delegates of the Japanese Government that in view of the fact that trades-unions have only recently been established in Japan, and include only a small fraction of the workers—less than 30,000 out of the total of 4,000,000—the Government considered it necessary to adopt a special procedure in order to ascertain the wishes of the general body of industrial workers in Japan. The method adopted was as follows: The workers in the industrial establishments in each province were invited to send representatives to a provincial meeting. These provincial meetings selected delegates to represent them at a general meeting for the whole Empire. The general meeting was asked to submit three names to the Government. The Government appointed one of these three as the labor delegate. The first question which arises is whether this procedure is in accordance with the terms of the treaty. The treaty requires that the appointment shall be made by the Government in agreement with the industrial organizations, if such organizations exist, which are most representative of the workers. It seems that before this provision can have any application, there must be organizations in existence in the country which can be said fairly to represent the workers of the country; and the commission is of opinion that it is not possible to question the view of the Japanese Government that the existing unions in Japan, numbering not more than 30,000 out of several millions of workers, were not sufficiently representative of the workers of Japan for the purpose in question. The commission has consulted the legal adviser of the League of Nations, who is attached to the conference, on the bearing of article 389 and his opinion is attached. Objection is also taken in the letter from Mr. Suzuki on the ground that the local elections of delegates were influenced improperly by officials and employers; that delegates were appointed who were not manual workers, and that the delegate to the labor conference should have been a manual worker. The commission is of opinion that it is impossible to take notice of vague charges of improper influence; these charges, moreover, are emphatically denied by the Japanese official delegates. As regards the other objections, it is not required by the treaty that the delegate should be himself a manual worker. It is open to the workers to choose any person as their representative. The commission is of opinion that no action should be taken on the protest in respect of the Japanese delegation. Mr. Oudegeest, while he accepts the explanation given by the official delegates of Japan, wishes to place on record his view that in the future the labor delegate should be chosen in agreement with the trades-unions of Japan.

6. The protest in regard to the Cuban delegation is made by the president of the Federation of Labor Employers' Associations of Cuba, and alleges (without giving particulars) that interference by



the Cuban Government has prevented the federation from appointing a delegate on behalf of the employers. The commission is informed by the official delegates from Cuba that the employers' delegate who has been appointed by the Cuban Government was appointed on the recommendation of a conference of the chief association of employers in Cuba, including the sugar industry, tobacco industry, and railway and dock companies; and that the employers' federation, which represents in the main the construction industries only, was invited to the conference and was represented at the first meeting. The commission considers that no action should be taken on the protest.

7. Owing to the fact that the Argentine delegates have not yet all arrived, the commission is unable at present to report on the objection taken in respect to the labor delegate appointed by the Argentine Government.

8. The communications referred to the commission in respect to the French, South African, Japanese, and Cuban delegations are inclosed with this report.

(Signed) MALCOLM DELEVINGNE,  
*Chairman.*  
JULES CARLIER,  
*Employers' Representative.*  
J. OUDEGEEST,  
*Workers' Representative.*

**LETTER FROM MR. HUDSON, LEGAL ADVISER TO THE CONFERENCE, TO SIR MALCOLM DELEVINGNE, CONCERNING THE NOMINATION OF DELEGATES AND ADVISERS.**

Sir MALCOLM DELEVINGNE,  
*International Labor Conference, Washington, D. C.*

DEAR SIR MALCOLM DELEVINGNE: In response to your request for an interpretation of the third paragraph of article 389 of the labor section of the treaty, I submit the following:

In determining whether a member has discharged its obligations under this paragraph, the credentials commission should first determine as to a particular country whether any industrial organizations exist which are representative of employers or workpeople. The next step is to determine which of such organizations is most representative of employers and workpeople, and finally it must be determined whether the member has chosen its nongovernment delegates in agreement with such most representative organizations.

If this order be followed it may appear that in a particular country the industrial organizations which exist are not to any considerable degree reasonably representative of employers or of workpeople. I venture the suggestion that in such cases the member is not bound by this article to choose delegates or advisers in agreement with existing organizations, but is free to choose delegates and advisers as it may see fit.

Very truly yours,  
(Signed) MANLEY O. HUDSON,  
*Legal Adviser.*

**SUPPLEMENTARY REPORT OF THE COMMISSION ON CREDENTIALS.**

The commission presents the following supplementary report:

An objection to the appointment of the Argentine labor delegate has been lodged by the International Federation of Trade-Unions. A copy of the letter of objection is appended to this report. The commission has received a statement of the ground on which the objection is based from Mr. Oudegeest, one of the signatories of the letter, who is a member of the commission, and explanations from the Argentine Government delegates. The position appears to be as follows: The labor delegate was selected by the Argentine Government in agreement with the association of railway workers, known as La Fraternidad. This association is the oldest association of workers in the country; its membership is over 15,000 and includes over 90 per cent of the railway workers. It is incorporated under

the Argentine law. There is also a federation of trade-unions representing certain industries (including commerce) centered in the Provinces of Buenos Aires and Santa Fe, the membership of which is uncertain. In the letter of objection it is claimed that the membership is 80,000. The Government delegates state that the membership fluctuates considerably from time to time and at the present moment is probably between 20,000 and 30,000.

There are no accurate statistics available. These associations are not incorporated under the Argentine law and have no recognized legal existence. It does not appear, however, that they are illegal associations. The commission is informed that there is no law in Argentina in regard to the formation of trade-unions. The Argentine Government delegates defended the course taken by the Government on the ground that La Fraternidad was the only association which represented workers in all parts of the country and which is recognized by and has any responsibilities under the law of the State. The commission is of opinion that the situation was not an easy one and that there is no reason whatever for supposing that the Argentine Government in selecting the labor delegate wished to act otherwise than in compliance with the treaty, but it appears to the Commission that it would have been better if the delegates had been selected in consultation jointly with the two groups of associated workers. There is no question as to the delegate being a bona fide representative of the workers so far as the railway industry is concerned. The commission recommends that in the circumstances the conference should not take any action on the objection, and suggests that it would be advisable that the Argentine Government on a future occasion should if possible select the labor delegate to the International Labor Conference by agreement between the two groups of labor associations, and they understand from the Argentine Government delegates that the Government would be perfectly willing to do this.

The commission has also had referred to it an objection to the appointment of the labor delegate for Guatemala. This objection states that the labor delegate "has not been chosen, nor could be chosen, by the votes of organized labor because no such thing exists" in Guatemala. This is not an objection of which the conference can take cognizance. Under article 389 of the treaty, in those countries where organized labor does not exist the responsibility for the selection of the labor delegate rests entirely with the Government.

(Signed) MALCOLM DELEVINGNE,  
*Chairman.*  
JULES CARLIER,  
*Employers' Representative.*

**MINORITY REPORT ON THE ADMISSION OF THE ARGENTINE WORKERS' DELEGATE.**

I dissent from the finding of this report so far as concerns the admission of the Argentine delegate. I propose that this gentleman should not be admitted as the delegate of the Argentine workers, since he has not been appointed in agreement with the most representative workers' organization in that country.

JAN OUDEGEEST,  
*Workers' Representative.*

**LETTER FROM THE INTERNATIONAL FEDERATION OF TRADE-UNIONS TO THE COMMISSION ON CREDENTIALS OF THE INTERNATIONAL LABOR CONFERENCE.**

NOVEMBER 1, 1919.

*To the chairman and members of the commission on credentials.*

GENTLEMEN: According to communications which we have received from the Federation of Trade-Unions in Argentina, representing 80,000 organized workers, the nomination of the workers' delegate from Argentina has not been made in conformity to article 389 of the peace treaty. The Government did not consult the Federation of Trade-Unions, and it is the most representative organization in the country.



We therefore request that you will not admit to the conference Mr. Americo Balino as the workers' delegate from Argentina.

We are, gentlemen, on behalf of the International Federation of Trade-Unions,

Yours, faithfully,

W. A. APPLETON, *President.*

L. JOUHAUX, *First Vice President.*

C. MERTENS, *Second Vice President.*

J. OUDEGEEST, *Secretary.*

### COMMISSION ON APPLICATIONS FOR ADMISSION.

Chairman, Hon. N. W. Rowell (Canada).

Government delegates, Mr. Arthur Fontaine (France); Hon. N. W. Rowell (Canada).

Employers' delegates, Mr. Paul Collinet (France); Mr. Marcel Fraipont (Belgium).

Workers' delegates, Mr. Gino Baldesi (Italy); Mr. N. M. Joshi (India), acting as provisional substitute for Mr. Gompers (United States).

Secretary, Mr. H. J. W. Hetherington (Great Britain).

### REPORT OF THE COMMISSION ON APPLICATIONS FOR ADMISSION OF NEW MEMBERS.

The commission has the honor to present the following report:

The instructions to the commission were as follows: "To consider and report upon the question of admitting Finland, Luxemburg, and the Dominican Republic, and any other applications for admission which may be received during the present conference; and, further, that the resolution standing in the name of Mr. Rafael H. Elizalde (Ecuador) be referred to the said commission."

With regard to the admission of Luxemburg and the Dominican Republic, and with regard also to the motion submitted by Mr. Elizalde, relating to the admission of Mexico, the commission is able to present a unanimous report. But in regard to the admission of Finland, the commission found itself unable to arrive at agreement. The commission, therefore, submits its report in three parts. The first part is submitted, as a majority report, by Mr. Baldesi, on behalf of himself and Messrs. Collinet, Fontaine, and Fraipont. The second part is submitted as a minority report by Mr. Rowell, the chairman of the commission. The third part contains the unanimous recommendation of the commission on all matters referred to it other than the admission of Finland.

#### I.

#### MAJORITY REPORT ON THE ADMISSION OF FINLAND.

The commission had first to consider the question whether the terms of the peace treaty allowed of the admission of a country which has not previously explicitly adhered to the League of Nations.

In a lengthy debate, during which several points of view were set forth, the commission made a careful study of the question from a general standpoint, and by a majority reached the conclusion that any nation which makes a regular application duly signed by its Government, and which accepts all the duties and obligations incumbent on members of the International Labor Organization, may be admitted by the conference to membership of the International Labor Organization without yet being a member of the League of Nations.

This decision of the majority is sufficiently justified by reference to article 387 of the peace treaty, which says: "Membership of the League of Nations carries with it membership of the Labor Organization." Thus this passage clearly and solely prescribes that members of the League of Nations are required to belong to the International Labor Organization. There is in it no explicit exclusion from that organization of those countries which are not members of the League.

But more than this, the report submitted by Mr. Fontaine on the exchange of views between the secretary general of the peace conference, Mr. Dutasta, and the president of the labor commission to the peace conference, shows that the supreme council at Paris decided on September 11, that the question of the admission of the German and Austrian delegates to the forthcoming labor congress at Washington should be left to the decision of that congress.

The conference has already studied the question of the admission of Germany and Austria, and has decided it in their favor with only one vote against, recorded for reasons which need not be considered here, as they would not apply to the other nations which are not in the same position as Germany and Austria from the point of view adopted by those who discussed and approved the constitution of the International Labor Organization.

Again, replying to the application made to the supreme council by the Finnish delegation under date September 23, 1919, for admission to the Washington conference, the supreme council decided as follows:

OCTOBER 2, 1919.

It was decided that the question raised by the note of the secretary general of the International Commission of Labor relating to the admission of Finland, Norway, and the Netherlands to the approaching conference at Washington should be left to the decision of this conference.

This reply definitely and explicitly sanctions the right of the conference to decide on the admission of States which are not members of the League of Nations. It can not be contended that the supreme council could have decided as above in the case of Finland while reserving to itself the right to decide otherwise in the case of other countries in the same position, for there is no hint that such requests may not be considered if received or that they should be addressed only to the League of Nations.

Having thus concluded that there is no legal reason why a country which is not yet a member of the League of Nations should not belong to the International Labor Organization, the commission has now to inquire whether it is advisable for the conference to make a decision which would open the door to all countries making regular application. The reply was evident and had already been given by the conference when discussing the admission of Germany and Austria. The larger the number of adhering countries who accept its decisions, the greater will be the importance of the International Labor Organization in directing social legislation. The aim of the Labor Organization is not to secure the preponderance of one section of the human family over another, but to secure like protection of the worker in all latitudes and to place it under a joint control.

The majority of the members of the commission, therefore, believing that thus it interpreted the views of the delegates here assembled—who already by admitting Germany and Austria to the conference, and by admitting the representatives of American labor and employers, have clearly expressed their view that the labor interests of the world are best served by extending membership to as many nations as possible—adopted the following motion by 4 votes to 1:

The commission appointed to examine the position of those countries which without being members of the League of Nations, have asked to be represented at the International Labor Conference is of the opinion that—

Whereas article 387 of the text of the treaty of peace which deals with the International Labor Organization declares that the status of membership of the League of Nations carries with it the status of membership of the International Labor Organization, and whereas this fact does not imply the exclusion of those States which are not members of the League of Nations: considering also that the supreme council and the present conference itself have interpreted this article in this sense by accepting Germany and Austria as participants in the labors and deliberations of the conference before these States have become members of the league: it is therefore resolved that as a general principle any State which, in conformity with the established rules of procedure, requests admission to the International Labor Organization can be admitted.

The majority of the commission are confident that the conference will accept their decision which places all nations desiring membership on the same footing, so long as they undertake the duties assigned to members by the peace treaty (including their share of the expenses of the organization).



Having thus settled the question of principle regarding the admission of nations not yet belonging to the League of Nations, the commission had to examine the applications before the conference.

At the first meeting of the commission the minister of Finland, Mr. Saastamoinen, presented a report supplementary to the statement which had been placed before the supreme council when application was first made.

Some doubt was expressed as to the validity of the application on the ground that it was submitted by Mr. Saastamoinen as delegate of his Government to the International Labor Conference and not as diplomatic representative of his country. But in view of the fact that the supreme council had referred the question of Finland to the conference, the commission took the view that the application must be held to be in order. Mr. Rowell, while disagreeing with the general position of the majority, did not wish to raise any technical objection as to the form of the application.

The following resolution was adopted by 4 votes to 1:

The commission having examined the application for admission made by Finland, and having in mind (a) the resolution adopted by the majority on the question of principle; (b) the statement made by the minister of Finland, and (c) the application made by the Government of Finland to the supreme council, resolves to recommend to the conference the admission of Finland as a member of the International Labor Organization with the same rights and duties as the other States members of the organization.

In this case also the majority of the commission believes that it has rightly interpreted the opinion of the majority of the members of the conference.

The majority desire to add to these resolutions a unanimous expression of opinion that all Governments adhering to the International Labor Organization should be urged to become members of the League of Nations, and that the League of Nations should be urged to admit as effective members all countries making such application.

(Signed) GINO BALDESI.  
ARTHUR FONTAINE.  
PAUL COLLINET.  
MARCEL FRAIPONT.

## II.

### MINORITY REPORT UPON THE ADMISSION OF FINLAND.

1. The report of the majority of the commission on applications submitted in effect two recommendations or conclusions: (a) That the conference itself is competent, simply by means of a vote of the delegates, to grant membership in the International Labor Organization to any State even though that State has not been admitted to membership in the League of Nations, was not a signatory of the treaty of peace, and was not named in the annex to the covenant of the League of Nations, and (b) that in pursuance of this the conference should admit Finland to membership in the Labor Organization and consequently to formal participation in the conference.

2. So far as the aspiration of Finland for membership in the Labor Organization is concerned, I am in the most complete sympathy with it, and am of opinion that the conference should do all that it may properly do to expedite her admission. To that end a resolution will be submitted with this report.

3. But from the first conclusion of the majority of the commission I respectfully dissent. My disagreement is so complete and the matter is of such fundamental significance that I am constrained to submit a report in support of my view.

4. The issue between the majority and minority of the commission is not whether the delegates from Finland should or should not be admitted to take part in the deliberations of the Washington meeting; all are agreed that they should. The issue is, whether the conference has or has not the power or legal authority to admit Finland as a nation into full membership in the International Labor Organization without Finland first either adhering to the treaty of peace, and thereby becoming bound by its provisions or becoming a member of the League of Nations. The majority say the conference has the power.

The minority is of the contrary opinion. The question is not one of policy or sentiment on the part of the commission or the conference, as the majority report would appear to suggest. It is a purely legal proposition depending upon the correct interpretation of the treaty of peace. The conference has no power of interpretation. That power is expressly committed to the permanent court of international justice or other tribunal to be established under the provisions of the treaty. The question, however, being a legal one, the conference should give special consideration and weight to the opinion of the legal adviser to the conference.

5. My view in brief is that under the labor part of the treaty of peace, upon which all our action must be based, membership in the Labor Organization depends upon membership in the League of Nations; that unless the labor part of the treaty is amended in the manner prescribed in article 422, such membership can only be acquired by pursuing the formal procedure expressly laid down in the treaty; and that the conference itself has no power, even by unanimous vote, to grant such membership to a State. The legal adviser of the conference has submitted an admirable memorandum reaching the same conclusion. With the reasoning of that memorandum I agree, and I take the liberty to append a copy of it as a part of this report. There are certain points in this memorandum which I wish here to expand somewhat, and there are perhaps one or two additional considerations that demand treatment.

6. While all will agree that it is most desirable to have the largest possible number of nations accept the principles of the labor clauses of the peace treaty and to be bound by their provisions, it is essential, if this object is to be secured, that the procedure laid down by the peace treaty for admission to the International Labor Organization should be followed. If action is taken beyond the power of the conference and draft conventions are formally approved by a conference not legally constituted, any nation affected by such a convention might challenge the validity of the action taken. The protection of the workers in all countries parties to the International Labor Organization demands that every precaution should be taken to insure the validity of the conference.

7. It is essential at the outset to envisage just what the International Labor Organization is. It is, as its name implies, an organization of nations formed for a definite purpose. It has a written constitution which was framed and agreed upon only after protracted and difficult negotiation between the nations concerned. Upon the basis of that agreement, and upon no other, they agreed to cooperate. The powers of the conference are limited and defined by this constitution; it can no more exceed them than can the Congress of the United States exceed the powers given it by the American constitution. It is a new departure in international relationships, entered upon only after most serious reflection, but with an anxious desire on the part of all to join in its splendid purpose. It contemplates in certain contingencies a limitation upon the freedom of action of the constituent nations. To that extent, though it may not be very great, it does constitute in effect a certain restriction upon the sovereignty of its members. Now it is a well-recognized rule of interpretation that a limitation or restraint upon sovereignty is never presumed or implied, but can only be admitted if it is expressly provided for. It is in the light of these considerations that the present question must be solved.

8. The Labor Organization consists primarily of two bodies, the governing body and the general conference. As in any parliamentary organization, membership is a vital matter going to the root of its existence. As in other cases, the written constitution, to which we are subject, has here made positive provision for membership. Membership in the Labor Organization under article 387 follows upon membership in the League of Nations. There is no other express provision for membership.

It is apparently the view of the majority of the commission that because article 387 does not expressly exclude other means of admitting new States to membership, the conference may therefore proceed to grant applications for admission. It will be noted that



this far-reaching conclusion is based entirely upon presumption or implication, and moreover that it involves two distinct and separate implications. It involves, first, the implication that some other procedure for admission to membership than that expressly laid down may be followed; and, secondly, the implication that the various States signatory to the treaty or adhering thereto have agreed by the terms of the treaty that such admission may be granted simply by means of a vote of their delegates in this conference assembled. From this conclusion, and this manner of reasoning, I must dissent. It is a clear violation of the rule of interpretation already mentioned in the preceding paragraph; for the question of membership is vital; every State ordinarily enjoys complete freedom of action concerning its associations with other States for any purpose whatever, and that freedom of action can not be reduced by implication. Nor can I agree with the implication that each State must be taken as having delegated this important power to the delegates at this conference.

It may safely be ventured that there is no precedent for the conclusion of the majority on this point, nor for the basis upon which it is reached. For example, the Constitution of the United States provides that "new States may be admitted by the Congress into this Union," but it does not expressly state that new States may not be admitted by some other means. But no one would think of suggesting that for this reason a new State might be admitted into the Union by the President, or by the Senate acting alone, or indeed by any other means than that expressly prescribed.

Again, the labor part of the treaty provides for commissions of inquiry, and for a court of international justice in certain cases of dispute, but it does not expressly state that other methods of investigation are excluded in such cases. Would it, however, be contended that for this reason it would be competent for the governing body to pursue some other method? If another method were pursued would not any State concerned be entitled to protest and refuse to be bound in any way?

9. A still further consideration is that there is nowhere any provision for the character of the vote that would decide the question of admission—whether it shall be unanimous, by two-thirds, by three-fourths, or by a simple majority. Had those who agreed to the treaty contemplated that the conference as such should have power to admit new members to the Labor Organization, they would unquestionably have made careful provision in this exceedingly important feature of the matter, as they did in respect of admission to the League of Nations. (Art. 1.)

10. The absence also of any provision for adhesion to the labor part of the treaty independently of adhesion to the League of Nations covenant shows that membership of the Labor Organization independently of membership in the League was never contemplated under the treaty as it stands. This is a matter of substance, for it involves the formal undertaking of the obligations of the labor sections, and of course the original members could scarcely be expected to admit a new State to membership without obligations while they themselves were subject to all the burdens of the instrument.

11. Nor, for the reasons pointed out in the memorandum by the legal adviser to the conference, does the admission of Germany and Austria constitute a precedent on this question. The circumstances of that case are wholly anomalous and exceptional, and the decision can only be justified on the ground of a special agreement entered into by the allied and associated powers with Germany and Austria.

It is urged by the majority report that this constituted an interpretation of article 387 by the supreme council before the signature of the treaty and that this interpretation is to be extended to the case of new States. Clearly this argument overlooks the special circumstances of the case. The effect of the action of the supreme council upon the meaning of the treaty must be limited by these circumstances. The agreement was entered into at the special

request of Germany and Austria for their special benefit and for their benefit alone, and it constituted an element in the consideration on which they agreed or submitted to the treaty. Accordingly the allied and associated powers, acting through the supreme council, sanctioned the special agreement or exception. That is all they did. It was unnecessary for them to go any further or to decide anything else; neither the central powers nor the allied and associated powers had any interest whatever in extending the application of the agreement beyond that point. The supreme council, therefore, can not be regarded as having been authorized by the allied and associated powers to extend the agreement or to give a general interpretation of this provision of the treaty. Even if in the correspondence in question the supreme council did in fact purport to give a general interpretation of article 387, which can not be admitted, it could be regarded only as pure obiter dicta, since it was not essential to the solution of the case before them. It can not be presumed nor implied that the supreme council intended to make such an interpretation.

12. Again, it is only necessary to refer to the resolution passed by the conference inviting representatives of the employers and employees of the United States to take part in the conference to see that this action forms no precedent for the decision of the majority, as is contended in their report. The resolution is as follows:

The delegates of the Governments, the employers, and the workers here assembled request the organizing committee to invite the organizations of workers and employers of the United States, already named by the Secretary of Labor, Mr. Wilson, to send their delegates to this conference.

There could be no possible objection to a similar proposal in reference to Finland; and a resolution with regard to the participation of the delegates of Finland in this conference forms part of the minority report.

13. The action of the supreme council in remitting the question concerning Finland to this conference has been urged in support of the view of the majority of the commission on the theory, apparently, that it implies that the supreme council is of the opinion that the conference is competent to grant membership. Here, again, it will be noted, we are asked to rely upon an implication or presumption. Again, therefore, the rule of interpretation must be invoked. But, apart from that, it is submitted that the view of the supreme council can have no weight whatever on a question of the interpretation of the treaty, and that to admit the contrary would be most undesirable. The supreme council is nowhere given any power to interpret the provisions of the treaty, and the conference would be well advised to refuse to recognize the supreme council in this capacity. On the contrary, under article 423 the interpretation of this part of the treaty is reserved, in case of question or dispute, to the permanent court of international justice. The covenant of the League also makes provision in article 13 for disputes on the interpretation of treaties, but it distinctly does not contemplate that the supreme council shall be the arbiter. Still less has the supreme council any power to confer upon the conference any authority or jurisdiction in addition to that conferred by the treaty. It can neither add to nor subtract from our powers.

14. The point has been urged that other nations which did not sign the treaty and which have not yet adhered thereto are acting in this conference and that therefore Finland should be admitted as well. On this point it will be recalled that the organizing committee in its dispatch of August 20, addressed to the various Governments, gave the following opinion:

In regard to the 45 States enumerated in the annex to the covenant, the organizing committee is of opinion that they should all be invited to take part in the labor conference at Washington, just as Switzerland was invited to take part in the organizing committee. The invitation would lapse, however, in the case of any State which failed to give its adhesion as provided for in the peace treaty within the period indicated in article 1, paragraph 1, of the treaty.

This clearly indicates the view entertained and acted on by the organizing committee, namely, that membership in the Labor Organization depends upon membership in the League of Nations,



and this opinion incorporated in the organizing committee's letter discloses the basis upon which the invitations were extended to the various States to attend the conference and upon which the conference is now proceeding.

15. Again, it must be apparent that the conference is not competent to render an interpretation of the labor part of the treaty, since this part of the treaty itself provides in article 423 that—

Any question or dispute relating to the interpretation of this part of the present treaty or of any subsequent convention concluded by the members in pursuance of the provisions of this part of the present treaty shall be referred for decision to the permanent court of international justice.

In view of the strong opinion expressed by the legal adviser of the conference that the conference has no independent power to admit a State to membership in the Labor Organization, the conference should not act upon the resolution proposed by the majority and admit a new State without having first referred the question of its competence to do so to the permanent court of international justice.

16. In short, the conference has no power under the treaty to admit to the Labor Organization a State that has not been admitted to the League of Nations. It could only acquire such power, therefore, through an amendment to the labor part of the treaty. Whether such an amendment should be made is a subject that might properly be considered by the conference, provided that it was duly placed on the agenda after the appropriate lapse of time; but in any case the amendment could only be enacted in the manner prescribed by article 422—that is, by a two-thirds vote of the conference, ratified afterwards by the States represented on the council of the League and by three-fourths of the members.

17. But although the conference can not admit Finland to membership in the Labor Organization, it still has the power to permit the Finnish delegates to informal participation in the deliberations of the present meeting of the conference, and in view of their having journeyed in good faith to Washington for the purpose it is clearly incumbent upon the conference to go this length. And it is submitted that the conference should go still further, should indeed go as far as it properly can, in the direction of satisfying the legitimate and laudable aspiration of Finland for membership in the Labor Organization. To the extent to which the conference can expedite Finland's admission it ought to do so; and it can do this by recommending her immediate admission to the League of Nations.

18. With these objects in mind, therefore, I submit for the consideration of the conference the following resolution as a substitute for that proposed by the majority of the commission on applications:

**RESOLUTION ON THE APPLICATION OF FINLAND FOR ADMISSION TO THE LABOR ORGANIZATION.**

1. In view of the opinion of the legal adviser of the conference that admission to membership in the International Labor Organization can only be secured through membership in the League of Nations, and that the conference itself has no power to grant membership in the Labor Organization; in view also of the action of the supreme council in submitting the question of Finland's admission to the judgment of the conference, the conference is of the opinion that the immediate admission of Finland as a member of the Labor Organization is desirable, and the conference commends, therefore, to the favorable consideration of the League of Nations the immediate admission of Finland to the League upon her compliance with the necessary conditions

2. The conference welcomes the delegates nominated by Finland to attend the Washington meeting, and invites these delegates to take part informally in the deliberations of the conference.

(Signed) NEWTON W. ROWELL.

**APPENDIX TO THE MINORITY REPORT.**

**OPINION SUBMITTED TO THE COMMITTEE ON APPLICATIONS FOR ADMISSION, BY MR. MANLEY O. HUDSON, LEGAL ADVISER.**

Membership in the Labor Organization is defined in article 387 of the treaty. The original members of the League of Nations are to be

the original members of the Labor Organization, and in the future membership in the League of Nations is to involve membership in the Labor Organization. It will be impossible for a member of the League of Nations not to be a member of the Labor Organization. It is not stated that it will be impossible for the Labor Organization to have as members States which are not in the League of Nations; whether this can be, must depend, therefore, upon the place of article 387 in the treaty, and upon the effect of the other articles.

Article 387 is the only article in the treaty dealing with membership in the Labor Organization. This article purports to be complete in itself, and it is not expressly modified by any other provision in the treaty. It seems to envisage a complete parity between the League of Nations and the Labor Organization, so far as the membership is concerned. The labor conference consists of representatives of members of the organization. Membership in the conference itself is not envisaged as a separate thing. The conference is not expressly given control of the membership in the organization. Since the organization consists of two institutions, and since the governing body is in some respects independent of the conference, it would seem clear that the conference has not been given implied power to change the membership in the organization, except through the method provided by article 422 by a formal amendment to this part of the treaty.

The provision that the conference may control its own procedure does not in any way cover a change in membership of the conference. Membership is something more fundamental than procedure. A change in membership involves a variation of the original pact of organization. In any parliamentary organization, membership is a matter of vital substance going to the root of its existence.

The conclusion must be that membership in the Labor Organization depends upon membership in the League of Nations as a whole, and that the political question as to a State's "sincere intention to observe its international obligations," which must be answered before any State can participate in any international organization, was not intended to be left to the judgment of any body except the League of Nations itself; being a political question, it is plainly for the political authority of the League of Nations to judge.

Moreover, it is clear that the Labor Organization is intended to be a part of the League of Nations. The expenses of the Labor Organization, for instance, are to be paid out of the general funds of the League of Nations, if such funds shall have been established at any time. If a State were made a member of the Labor Organization now without also being a member of the League of Nations, and if the League of Nations should establish general funds of its own, such a State might escape all responsibility for meeting its part of the expenses of the Labor Organization. The Labor Organization is spoken of in article 427 as being "associated with the League of Nations," and the International Labor Conference, which is part of the Labor Organization, is spoken of in article 392 as being a "part of the organization of the League." In many instances officers of the League of Nations have jurisdiction over questions arising in connection with the Labor Organization. The secretary general of the League, the permanent court of the League, and the council of the League are all given functions in connection with the proper working of the Labor Organization.

These integral relations between the Labor Organization and the League of Nations lead one to the conclusion that the treaty was designed to make the privilege of participating in the work of the Labor Organization depend upon a State's meeting the general political requirements which may be demanded for its becoming a member of the League of Nations. Furthermore, this integral relation would indicate that membership in the Labor Organization is in itself one of the inducements which may be held out to States to fulfill the political requirements necessary to becoming members of the League of Nations.

The action already taken by this conference with reference to Germany and Austria is not a precedent. This action was expressly



based upon an agreement entered into by the allied and associated powers with Germany and Austria before the signatures of the treaties of peace. That agreement was altogether in the nature of an exception to the strict provisions of the treaties of peace, an exception made to induce the signature of those treaties. It was in no sense an interpretation of the language of the treaties. Nor was it intended to have any general significance beyond the precise situation of Germany and Austria.

It is significant that there is nowhere any provision for the accession or adhesion of States to the labor part of the treaty separately. Yet the covenant of the League of Nations contains a provision for the adhesion of States to that part of the treaty. The absence of any such provisions for accession or adhesion to the labor section of the treaty clearly indicates an intention that membership in the Labor Organization should not be possible apart from membership in the League of Nations; and it supports the view expressed above that article 387 concerning membership in the Labor Organization is complete in itself.

The practical results of the admission to the Labor Organization of a State which is not a member of the League of Nations must not be neglected. If, for instance, Finland is now admitted to membership in the Labor Organization, she would not be formally bound to carry out the obligations which the other members of the Labor Organization would be under. The treaty-making power of the Government of Finland would not have committed Finland to the undertaking carefully spelled out in the labor provisions of the treaty, by which all of the other States are bound. Even Germany and Austria, by their signatures to the treaties, after the agreements as to their own participation, have accepted in a formal and binding way the obligations of the labor provisions of the treaty. If Finland were admitted without any formal adhesion by her Government, she might later escape the very important obligations contained in article 405, paragraph 5, in article 413, and in article 421. Nor is it possible for Finland to become formally bound by any part of the treaties of peace. Adhesion to a part of a treaty is possible only if the treaty itself provides for such adhesion.

Since we have no provision for the adhesion of Finland to this part of the treaty, it may well be doubted whether Finland can become legally bound by the obligations of a member of the Labor Organization, even if the treaty-making powers in the Finnish Government were to act formally in its behalf.

It is significant also that the labor section of the treaty contains no provision for the kind of vote necessary for the admission of new members to the Labor Organization. In the covenant, it is expressly provided in article 1 that a new member can be admitted only on a two-thirds vote of the assembly. In the labor section of the treaty, article 403, it is stipulated that "except as otherwise expressly provided in this part of the present treaty, all matters shall be decided by a simple majority of the votes cast by the delegates present." The argument, therefore, that Finland can be admitted by the conference involves the astonishing result that this most vital matter would be decided by a majority vote.

Although it has been concluded that Finland can not be admitted by the conference to membership in the Labor Organization, it does not follow that the Finnish delegates who have come to Washington can not be admitted to participation in the deliberations of the present conference. Just as the conference has invited certain representatives of American organizations to attend its meetings, it may now open its doors to the delegates of Finland and permit them to take part in its deliberations. The Finnish delegates might take part by serving on the committees of the conference as assessors, according to article 404, but they could not vote as members of the conference. It is submitted that this action in all Finland is entitled to until she becomes a member of the League of Nations.

(Signed) MANLEY O. HUDSON,  
*Legal Adviser.*

NOVEMBER 4, 1919.

### III.

#### REPORT ON THE ADMISSION OF LUXEMBURG AND THE DOMINICAN REPUBLIC, AND ON MOTION OF MR. ELIZALDE RELATING TO THE ADMISSION OF MEXICO.

The commission found itself unable to recommend the admission of the three countries named above. The conference has received no official application from the Governments concerned. The fact that some delegates representing workers' or employers' organizations are now in Washington, and have made through some third party a request for admission, can not be held to affect the position. Decisions taken by the conference will impose some obligation, at least morally, on the States members of the organization. It is therefore the States, through their Governments, and not individual organizations of employers and workers, which become members of the International Labor Organization. It is therefore important that applications should be entertained only if they are submitted in due form by the Government concerned.

Mr. Elizalde attended the final meeting of the commission and supported his motion in favor of the admission of Mexico. But the commission was unanimously of the opinion that no application for admission could be considered unless made by the Government concerned.

In view of these considerations the following resolution was unanimously adopted:

The commission, having before it no official application for admission to the conference from the Governments of Luxemburg, the Dominican Republic, and Mexico, is of the opinion that no recommendation as to their admission would be competent

(Signed on behalf of the commission)

NEWTON W. ROWELL,  
*Chairman.*

#### SUPPLEMENTARY MINORITY REPORT.

1. Since the preparation of the report of the Commission on Applications for Admission my attention has been drawn to the proceedings of the plenary session of the peace conference held at Paris on April 11, 1919, when the labor part of the treaty was approved. These proceedings throw such an important light upon the question under consideration that I deem it my duty to bring them to the notice of the conference by way of a supplementary minority report.

2. Article 387 of the labor part of the treaty was originally presented to the peace conference by the commission of the peace conference on international labor legislation as article 1 of the draft labor convention. It was so presented with the commission's report, dated March 24, 1919, and it then read as follows:

##### *Chapter 1. Organization.*

ARTICLE 1. The high contracting parties, being the States members of the League of Nations, hereby decide to establish a permanent organization for the promotion of the objects set forth in the preamble, and for this purpose hereby accept the provisions contained in the following articles.

3. This original draft of the labor convention as presented by the commission also contained the following article as article 36:

ART. 36. Any State not a party to this convention which may hereafter become a member of the League of Nations shall be deemed ipso facto to have adhered to this convention.

4. It was thus apparent that it was the intention of the peace conference that the International Labor Organization and the League of Nations should be coterminous in respect of membership. The convention was submitted for the consideration of the peace conference at the plenary session of April 11, 1919, and Mr. Barnes moved a resolution that the convention be adopted. Mr. Barnes, in moving this resolution, as acting chairman of the commission on international labor legislation, spoke as follows concerning the labor organization:

Now let me say a few words about its main provisions. First of all, its boundaries are made to coincide with those of the League of Nations. We have two reasons for



this. First, because in doing that the League of Nations is thereby invested with the duties of a positive nature and associated with the everyday life of the community; and, secondly, all the nations in the League are brought into world cooperation for industrial improvement and thereby a favorable impression will be created on labor in all countries, because the impression will be created that the peace conference is seriously regarding this labor problem.

5. But in order to make the intention entirely clear the plenary session adopted the following amendment to this resolution (the amendment was moved by Sir Robert Borden, Prime Minister of Canada):

The conference authorizes the drafting committee to make such amendments as may be necessary to have the convention conform to the covenant of the League of Nations in the character of its membership and in the method of adherence.

6. As the result of this action of the peace conference at its plenary session of April 11, 1919, the drafting committee combined article 1 and article 36 into a new article 1, reading as follows:

ARTICLE 1. A permanent organization is hereby established for the promotion of the objects set forth in the preamble.

The original members of the League of Nations shall be the original members of this organization, and hereafter membership of the League of Nations shall carry with it membership of the said organization.

The drafting committee accordingly struck out the original article 36 of the draft labor convention. In this form article 1 of the labor convention was incorporated as article 387 in the treaty of peace as signed.

7. These proceedings show beyond question that it was the considered and definite decision of the allied and associated powers at the peace conference that membership in the International Labor Organization could only be acquired through membership in the League of Nations and through adherence to the covenant of the League. They show in fact that membership in the two organizations was clearly intended to be identical.

8. The fact that the peace conference, for reasons which appeared satisfactory, agreed to make a special arrangement for the admission of Germany and Austria to the Labor Organization on condition of their signing and ratifying the treaty of peace and thereby accepting all its obligations, affords no grounds for holding that this labor conference is entitled to admit to full membership another nation with which no such agreement has been made, which has not signed or adhered to the obligations set out in the peace treaty, and which can not do so until formally admitted to the League of Nations.

(Signed) NEWTON W. ROWELL.

WASHINGTON, November 11, 1919.

## COMMISSION ON STANDING ORDERS.

Chairman, Mr. E. Mahaim (Belgium).  
Government delegates, Viscount de Eza (Spain); Mr. Louis James Kershaw (India); Mr. Ernest Mahaim (Belgium).  
Employers' delegates, Mr. Goineau (France); Dr. S. Miall (Great Britain); Mr. J. A. E. Verkade (Netherlands).  
Workers' delegates, Mr. P. M. Draper (Canada); Mr. Conrad Ilg (Switzerland); Mr. R. Tayerle (Czecho-Slovakia).  
Secretary, Mr. E. J. Phelan (Great Britain).

## REPORTS OF THE COMMISSION ON STANDING ORDERS.

### First Report.

## DRAFT OF STANDING ORDERS.

### I.

#### GENERAL OBSERVATIONS.

Before dealing with the alterations in the standing orders proposed by the commission, it may be useful to make a few general observations.

1. The standing orders in question constitute the domestic rules of the conference. It should not be forgotten that the constitution of the conference has been laid down in the treaty of peace, part 13. The standing orders accordingly can only deal with those details of its procedure for which the treaty could not provide, and the provisions of the treaty have not been included in them except in so far as seemed necessary in order to make the context clear.

2. The organizing committee, in drawing up the draft standing orders, and the commission, in amending them, have been faced with considerable difficulties on account of the difference in the parliamentary practice of the various countries. It has not been possible to find in every case a rule which everyone will regard as satisfactory. This fact should be borne in mind and it should be recognized that the procedure followed in any one country or group of countries could not be inserted in the standing orders. The standing orders are, in fact, in some degree a compromise which the commission has endeavored to make as simple and as satisfactory as possible.

3. The standing orders now submitted are intended to operate in the future, that is, at subsequent sessions of the conference. The existence of the governing body and of the International Labor Office have accordingly been assumed, and the provisions printed in italics in the draft orders, which were inserted especially for the Washington conference, have been struck out.

4. The commission has attempted to profit by the experience gained during the actual sittings of the conference.

### II.

## EXPLANATION OF THE MOTIVES FOR THE PROPOSED MODIFICATIONS IN THE DRAFT OF STANDING ORDERS.

### ARTICLE 1.

The commission is of opinion that in view of the terms of the treaty of peace (art. 382, p. 2) it can not be said that the conference was composed of the delegates and technical advisers. It was also considered desirable to employ the exact terms of the treaty of peace (art. 389, p. 2) and paragraph 2 of the original draft orders has been replaced by them.

### ARTICLE 2.

No change.

### ARTICLE 3.

Some discussion took place in the commission as to whether it was desirable that the rule laid down in the first paragraph of this article should have some form of sanction behind it. The only sanction possible appears to be to refuse to admit a delegate whose credentials have not been deposited beforehand, as required by the rule. The commission was of opinion, however, that a sanction of this kind would be too severe and it is proposed that the text should be retained as it stands, pending further experience of its application in practice. The words "by delegates" in paragraph 3 of article 3, have been struck out. The commission was of opinion that it was not necessary to provide that the right of protest should be confined to delegates, and it was thought desirable that the practice followed at the Washington conference should be retained. Paragraph 5 has been incorporated in paragraph 3, as this seems a more logical order.

### ARTICLES 4 AND 5.

No change.

### ARTICLE 6.

The commission attaches great importance to this article, which deals with the parliamentary procedure of the conference. It considered that it was desirable to lay down the different stages which the discussion of a draft convention or recommendation should pass in order that such draft convention or recommendation should be finally adopted in accordance with the treaty of peace.

With this object the commission proposed to lay down in the standing orders the different phases of the discussion and of the adoption of such texts:



1. The preliminary consideration of a draft convention or recommendation as a result of which it may be adopted as a basis of discussion.

2. The discussion of the articles of the draft, one by one, and of amendments to them.

3. Reference to the drafting committee.

4. Final adoption.

The commission was of opinion that it was absolutely necessary to withdraw the right to propose further amendments at a certain stage in order to avoid the undue prolongation of the discussion and its repetition in whole or in part.

#### ARTICLE 7.

A small alteration has been made in paragraph 2 in order to secure that in future the commission on selection shall continue to carry out the work which, as a matter of fact, has been done by it during the present conference.

Paragraph 3 has been modified in order to expressly reserve to the conference the right of electing the members of the committee of selection, a right which it possesses in the case of all other commissions.

The object of the alteration suggested in the last paragraph is to make it clear that the right of delegates to appoint substitutes is not restricted to the case in which two sittings coincide.

The commission also discussed the question as to whether the governing body should not, at future conferences, undertake the portion of the work carried out at this conference by the committee on selection. It was finally agreed not to take any decision on this important question but to leave it to be solved if necessary later in the light of the experience of future conferences.

#### ARTICLE 8.

A small alteration providing explicitly for the admission of the press has been made.

#### ARTICLE 9.

In paragraph 2, the commission proposes to provide explicitly that in order to maintain order and insure the observance of the standing orders, the President shall be enabled to employ "such means as circumstances may demand." Otherwise, the powers of the President in this respect would appear insufficient.

The words "pronounce the closure of discussion" have been struck out since, in view of the provisions of article 14, they appear to be unnecessary. In paragraph 3 the words "if he is himself a delegate" have been inserted in order to make the application of the rule clear, and, for the same reason, a sentence has been added giving the same right to vice presidents when they take the place of president.

A paragraph has been added providing that the conference shall be presided over by the vice presidents in turn in the absence of the president.

#### ARTICLE 10.

The alterations proposed in this article have been suggested to the commission by the actual experience of the conference.

The rule provided in paragraph 3 that no speaker should address the conference more than once on the same subject during the general discussion, and this principle, which appears to the commission to be sound, has been retained. A departure from it, however, is now permitted in order to give the mover of a resolution a right of reply, and in other cases if the conference so desires.

In paragraph 5 there has been only a slight change in the wording, but as regards paragraph 6, the commission was of the opinion that in conformity with what would appear to be the general wish of the members of the conference, the length of speeches should be limited to 15 minutes, except when the conference itself consents to an extension.

#### ARTICLE 11.

Viscount de Eza, the Spanish representative, suggested important amendments to this article. He pointed out that no less than 16

Spanish-speaking States were actually represented at the Conference, and that the number of Spanish-speaking delegates might amount to one-third of the members of the conference. Among these delegates there would always be workers who could not be expected to have a knowledge of French or English. While refusing to institute a comparison with other countries, as regards population or industrial importance, the Spanish representative claimed that the group of Spanish-speaking States should be treated in accordance with their importance within the conference itself. These arguments, which were put forward very effectively, lead up to the conclusion that the Spanish language should be recognized as a third official language.

Nevertheless, as a statesman and an experienced parliamentarian, Viscount de Eza frankly recognized that to do so would be to increase still further the difficulties in an assembly such as the present conference. He also did not press his request for an immediate interpretation of the speeches during the sittings, but he demanded as a minimum definite recognition of the practice actually adopted as regards the Spanish language. The conference is aware that, thanks to the generosity of the State Department and of the Pan American Union, the translation into Spanish of all documents distributed to the conference—for example, the proceedings, resolutions, and in general all communications, made to the members—has been insured. A special staff, which does not belong to the secretariat, has been engaged for this purpose.

The commission heard evidence on this question from Mr. Butler, the secretary general, who stated that the continuation of the present practice as regards the Spanish language did not present insurmountable difficulties, but would involve considerable expense; if it were definitely adopted it would be difficult to refuse similar facilities as regards other languages. The secretary general also stated that he was afraid that if the translation into Spanish was made by the secretariat, the secretariat would in reality have to undertake the responsibility of producing a third official text of the same authoritative character as the French and English texts. To this Viscount de Eza replied that, in the first place, if it should be found necessary, a subsidy from the Spanish-speaking States might be considered as possible; and, in the second place, that having withdrawn his demand that Spanish should be a third official language, he did not claim that the Spanish text should possess the same authoritative character as the texts in the other two languages, and the responsibility of the secretary general would accordingly only be that of insuring a translation which should be as accurate as possible.

Mr. Tayerle and Mr. Ilg pointed out that if a special privilege were accorded to the Spanish language, it might be expected that there would be a great number of claims for similar treatment in respect of other languages, and they quoted as examples German and the group of Slav languages.

Viscount de Eza replied that however great might be the number of inhabitants or of workers speaking these languages, they would never have in the conference itself anything like the same number of delegates as the Spanish-speaking peoples, since Spanish was the official language of a score of States.

It was also pointed out that the organizing of future conferences would be in the hands of the International Labor Office. It was most probable that the International Labor Office would issue its publications in more than two languages. Article 396 of the treaty of peace states in paragraph 4, "It (the International Labor Office) will edit and publish in French and English, and in such other languages as the governing body may think desirable, a periodical paper \* \* \*." There is no doubt that Spanish will be one of these languages, and that consequently all the preliminary documents will have been submitted to the delegates in a number of languages sufficiently large to meet such claims.

In view of the above considerations the commission was of opinion that the practice actually followed as regards Spanish should be provided for in the rules, it being understood that the governing body, if it thought it advisable, should be able to follow the same



course as regards other languages. No argument is required to support the conclusion that the introduction of a third official language is impossible.

## ARTICLE 12.

A slight alteration in drafting has been made in paragraph 2.

## ARTICLE 13.

This article is entirely new, and has been suggested to the commission as a result of the experience of the actual sittings of the conference. The commission wished to lay down clearly the rights of the delegates as regards the resolutions, amendments, and motions, since the terms employed and the parliamentary usages in this respect vary greatly in the different countries.

## ARTICLE 14.

This article has been modified as a result of the experience gained in the conference and also because article 10, paragraph 6, now limits the length of the speeches.

It appeared, on the one hand, that the speaker should not be interrupted in the course of his speech by a motion for the closure, since his speech could not exceed 15 minutes. On the other hand, it seemed most undesirable that a motion for the closure should be made before a speech had been translated, since it would seem essential that, in every case, the interpretation of a speech should be insured.

## ARTICLE 15.

In this article there has been a small change in paragraph 4 and in consequence a slight change in the last paragraph. It appears to be necessary to provide that the President should be able to cause a record vote to be taken when there was doubt as to the result of a vote by a show of hands.

## ARTICLE 16.

Slight alteration in wording.

## ARTICLE 17.

The French text of article 403 of the treaty of peace does not appear at first sight, to correspond exactly with the English text. The latter says, in paragraph 2, "the votes cast by the delegates present" and, in paragraph 3, in contradistinction to paragraph 2, "the delegates attending the conference." In the first case, it evidently refers to the delegates present at the sitting.

The words "les delegues presents de la conference" should be understood as meaning "les delegues de la conference presents a la seance" (delegates of the conference present at the sitting).

To make it perfectly clear, an example may be taken. Suppose the conference consists of 120 delegates. In order that any vote should be valid the total of the votes cast for and against must be at least 60. But, if there are only 60 delegates present at the sitting, a majority of 31 votes is sufficient to decide any question in respect to which a two-thirds majority is not required by the treaty.

## ARTICLE 18.

No change.

## ARTICLE 19.

The part of the rule requiring the printing of a list of the names of technical advisers present at the sitting has been struck out for the reason that it appeared sufficient to record the names of the delegates and of technical advisers who, as substitutes, have the right of vote.

## ARTICLE 20.

The commission discussed at length the situation arising as a result of the protests made by certain States as regards the list of the eight States of chief industrial importance. It considered whether modifications should be made in the standing orders on this point, but after careful consideration it was decided to leave the text as it stands, since it was only to operate in the future.

It is, however, of opinion that the solution of the present difficulty should be sought by an appeal to the good will and the spirit of self-sacrifice of the claimants.

The commission was unanimously of opinion that the appointment of the governing body was one of the principal tasks of the Washington conference. It of the greatest importance that the permanent labor organization should be definitely set up and the constitution of the governing body is the first essential step.

NOVEMBER 18, 1919.

(Signed) ERNEST MAHAIM, *President*.

(Signed) E. J. PHELAN, *Secretary*.

## PROPOSED NEW TEXT OF THE STANDING ORDERS.

## ARTICLE 1.

## COMPOSITION OF THE CONFERENCE.

The conference consists of all the delegates duly appointed by the members of the International Labor Organization. Each delegate may be accompanied by advisers who shall not exceed two in number for each item on the agenda of the meeting.

Seats in the conference room shall be assigned to the delegates and their advisers by the governing body.

## ARTICLE 2.

## PROVISIONAL OFFICERS OF THE CONFERENCE.

The conference shall be opened by the president of the governing body of the International Labor Office assisted by the officers of the same body. These provisional officers will continue to act until officers have been duly appointed by the conference.

## ARTICLE 3.

## VERIFICATION OF CREDENTIALS.

The credentials of delegates and their advisers shall be deposited with the secretariat of the International Labor Office at least 15 days before the date fixed for the opening of the meeting of the conference.

A brief report upon them shall be submitted by the president of the governing body. This report and the credentials shall be open to inspection by the delegates on the day before the opening of the conference.

Any objections raised concerning the nomination of delegates or advisers shall be lodged with the provisional officers of the conference during the opening sitting and transmitted by them to a commission charged with the verification of credentials, elected by the conference, and consisting of a government delegate, an employers' delegate and a workers' delegate.

This commission shall immediately examine those cases to which attention has been drawn in the report of the president of the governing body, or by individual objections, and shall present an early report.

Any delegate or adviser to whose nomination objection has been taken retains the same rights as other delegates and advisers until the question of his admission has been finally decided.

## ARTICLE 4.

## OFFICERS OF THE CONFERENCE.

The officers shall consist of a president and of three vice presidents appointed by the whole of the delegates to the conference. The three vice presidents shall be chosen respectively from among the delegates of the Governments, of the employers' associations, and of the workers' associations.

The president and the three vice presidents should be of different nationalities.

Women delegates may be appointed to any of the above offices upon exactly the same terms as men.



## ARTICLE 5.

## SECRETARIAT.

The secretarial work of the conference shall be carried out by officials of the International Labor Office appointed for the purpose by the governing body of the said office.

The director of the International Labor Office shall be the secretary general of the conference and shall be responsible for the secretariat. He may be assisted by one or more assistant secretaries general appointed by the governing body of the International Labor Office.

The secretariat of the conference will be responsible *inter alia* for the receiving, printing, circulation, and translation of documents, reports, and resolutions; the translation of speeches at the sittings; the taking, printing, and circulation of the verbatim record of the proceedings at the sittings; the custody of the archives of the conference; the publication of the report of the meetings; and, generally, for all other work which the conference may think fit to intrust to it.

## ARTICLE 6.

## ORDER OF PROCEDURE OF THE CONFERENCE.

After consideration of the report presented by the governing body, and as provided in Article XVI (402)<sup>1</sup> of the convention, the conference will decide as to the retention on the agenda of any item to which objection has been lodged by the Government of a member of the International Labor Organization. The conference shall then devote a portion of its time, not extending beyond the third sitting, to deciding the order in which the different items on the agenda shall be discussed and to miscellaneous business such as the appointment of the committee of selection and of the drafting committee.

It shall be competent for any delegate to move a resolution of which due notice has been given under the provisions of article 13 of those rules that a draft convention or recommendation relating to an item of the agenda, whether it has been prepared by the governing body or not, shall be adopted as the basis of discussion.

The debate on such resolution shall be a debate on the general principles of the draft convention or recommendation, and if such resolution be adopted the conference shall then decide whether the draft convention or recommendation shall be considered in full conference or shall be referred to a commission for report. If it be considered in full conference each clause shall be placed before the conference for adoption. During the debate on the draft convention or recommendation no motion, other than a motion to amend a clause of such draft convention or recommendation or a motion as to procedure, shall be considered by the conference until all the clauses have been disposed of. If the draft convention or recommendation be referred to a commission the conference shall, on receiving the report of the commission, proceed to consider the draft convention or recommendation, clause by clause, as provided above. During the discussion of a draft convention or recommendation, clause by clause, the conference may remit a clause or group of clauses to a commission for report.

The clauses of the draft convention or recommendation as adopted by the conference shall, if necessary, then be submitted to the drafting committee for the preparation of an amended text and the draft convention or recommendation so prepared shall be circulated to the delegates.

In principle, no amendment can be allowed to this text but the president after consultation with the three vice presidents may submit to the conference amendments which have been handed to the secretary the day after the distribution of the text as revised by the drafting committee.

When such amendments have been disposed of the conference shall forthwith proceed to take a final vote on the adoption of the

draft convention or recommendation as provided in article (19) 405 of the convention.

## ARTICLE 7.

## COMMISSIONS.

The conference may decide to set up special commissions for any purpose which it considers desirable.

A committee of selection composed of 12 Government delegates, 6 employers' delegates, and 6 workers' delegates shall determine the resolutions to be discussed at each sitting and shall nominate the members of commissions, subject to the approval of the conference.

The members of the committee of selection shall be elected by the conference on the nomination of the Government delegates, the employers' delegates, the workers' delegates, respectively, not more than one in each class belonging to the same country.

An official of the secretariat of the conference shall be appointed to act as secretary to each commission.

Each commission shall appoint a chairman and a reporter to present the results of its deliberations to the conference. The reporter may be an adviser.

As a general rule, the sittings of a commission shall not take place at the same time as a plenary sitting of the conference. Delegates may appoint substitutes to represent them on commissions.

## ARTICLE 8.

## RIGHT OF ADMISSION TO SITTINGS OF THE CONFERENCE.

The sittings of the conference shall be public, except in cases where it has been expressly decided to the contrary.

At public sittings arrangements shall be made by the secretary of the conference for the accommodation of distinguished visitors and the press.

The only persons authorized to enter the body of the hall besides delegates and advisers shall be:

(1) The secretaries or interpreters of the delegations, who shall not exceed one in number for each delegation.

(2) The Director of the International Labor Office and the officials of the office who have been appointed to the secretariat of the conference.

## ARTICLE 9.

## PROCEDURE; FUNCTIONS OF THE PRESIDENT.

The president shall pronounce the opening and closing of the sittings. Before proceeding to the agenda, he shall bring before the conference any communications which concern it.

He shall direct the debates, maintain order, and insure the observance of the standing orders by such means as circumstances may demand, accord or withdraw the right to address the conference, put questions to the vote, and announce the result of the vote.

The president shall not take part in the debates and shall not vote. If he is himself a delegate, he may appoint a substitute delegate in accordance with article 18 below.

Vice presidents shall be entitled to exercise the same right on the occasions on which they act as president.

The vice presidents shall preside in rotation at those sittings or portions of sittings at which the president is unable to preside.

## ARTICLE 10.

## RIGHT TO ADDRESS THE CONFERENCE.

No delegate may address the conference without having asked and obtained the permission of the president.

Speakers shall be called upon in the order in which they have signified their desire to speak.

No delegate shall speak more than once on the same resolution, amendment, or motion without the special permission of the conference, provided, however, that the mover of a resolution shall have the right to speak twice unless the closure has been adopted in accordance with article 19 of these rules.

<sup>1</sup> The numbers given in the parentheses refer to the treaty of peace.



The president may call upon a speaker to resume his seat if his remarks are not relevant to the subject under discussion.

A delegate may rise to a point of order at any time and such point of order shall be immediately decided by the president in accordance with the standing orders.

No speech shall exceed 15 minutes exclusive of the time required for translation except with the special consent of the conference.

Interruptions and audible conversation are not permitted.

The director or any other official of the international labor office may address the conference if invited to do so by the president.

#### ARTICLE 11.

##### LANGUAGES.

The French and English languages shall be the official languages of the conference.

Speeches in French shall be summarized in English, and vice versa, by an interpreter belonging to the secretariat of the conference.

A delegate may speak in his own language, but his delegation must provide for the translation of a summary of his speech into one of the two official languages by an interpreter attached to the delegation.

The summary thus translated will then be rendered in the other official language by an interpreter belonging to the secretariat.

The translation and circulation of documents shall be in the hands of the secretariat, and the practice adopted at the Washington conference as regards the translation and distribution of documents in the Spanish language shall be continued.

#### ARTICLE 12.

##### DRAFTING COMMITTEE.

The conference shall appoint a drafting committee, whose duty it will be to draw up, in the form of draft conventions or recommendations, the decisions adopted by the conference.

The same committee shall insure agreement between the French and English texts of such draft conventions or recommendations the translation of which is undertaken by the secretariat.

The members of this committee shall be nominated by the selection committee provided for in article 7.

#### ARTICLE 13.

##### RESOLUTIONS, AMENDMENTS, MOTIONS.

Any delegate can move resolutions, amendments, or motions in accordance with the following rules:

(a) No resolution can be moved at any session of the conference unless a copy has been handed in to the secretariat of the conference at least two days previously. •

On receipt of such notice the resolution shall be circulated by the secretariat on the day following that in which it is received.

(b) Amendments to a resolution may be moved without previous notice, provided that a copy is handed in to the clerk of the conference.

If an amendment to a resolution has been moved, no other amendment, other than an amendment to the original amendment, can be moved until the original amendment has been disposed of.

A delegate may withdraw an amendment which he has proposed unless an amendment to it is under discussion or has been adopted.

(c) In the case of motions as to procedure, no previous notice need be given, nor need a copy be handed in to the clerk of the conference.

No resolution or amendment or motion can be discussed unless it has been seconded.

"Motions as to procedure" include the following: A motion to refer the matter back; a motion to postpone consideration of the question; a general motion of adjournment; a motion to adjourn a debate on a particular question; a motion that the conference proceed with the next item on its program for the sitting.

#### ARTICLE 14.

##### CLOSURE.

A delegate may move the closure of the discussion whether other delegates have signified their wish to speak or not, and the president shall be bound to put it to the meeting if at least 20 delegates signify their support by rising in their places. If application is made for permission to speak against the closure, it may only be accorded to a single speaker.

The closure shall not be moved while a speaker is addressing the conference nor until his speech has been translated.

#### ARTICLE 15.

##### METHODS OF VOTING.

The conference shall vote by a show of hands or by a record vote.

Voting shall be by a show of hands in all cases in which a record vote is not required by the present standing orders.

Votes by a show of hands shall be taken by the secretariat and the result announced by the president.

In case of doubt as to the result, the president may cause a record vote to be taken.

A record vote shall be taken in all cases in which a majority of two-thirds of the votes is required by the convention.

A record vote may also be taken on any question if a request to that effect has been made in writing by not less than 20 delegates and handed in to the president.

Record votes shall be taken by calling upon each individual delegate, each delegation voting in turn in the French alphabetical order of the names of the members of the International Labor Organization.

The vote shall be recorded by the secretariat and announced by the president.

The names of the delegates voting in a record vote shall be inserted in the verbatim report of the sitting.

Except as provided in paragraph 4 of this article it shall not be within the competence of the president to propose a record vote.

#### ARTICLE 16.

##### QUORUM.

In accordance with Article XVII (403) of the convention, a vote is not valid if the number of votes cast is less than half the number of delegates attending the conference. This number shall be determined after the presentation of the brief report referred to in paragraph 2 of article 3. If any delegate is not finally admitted, the number shall be modified accordingly for the subsequent sittings.

#### ARTICLE 17.

##### MAJORITIES.

Subject to the provisions of the preceding article of the rules a simple majority of the votes cast by the delegates present at the sitting shall be sufficient in all cases in which a larger majority is not specially required by other articles of the convention.

The conference can not decide that more than a simple majority shall be necessary in other than these cases.

#### ARTICLE 18.

##### SUBSTITUTES.

In accordance with Article III (389) of the convention a delegate may by notice in writing addressed to the president appoint one of his advisers to act as his substitute. Such notice must be addressed to the president before the sitting, unless a new question comes up for discussion in the course of the sitting. The notice shall indicate the sittings at which the substitute will act.

Substitutes may take part in the debates and may vote under the same conditions as delegates.



## ARTICLE 19.

## VERBATIM REPORTS.

A verbatim report shall be printed at the conclusion of each sitting by the secretariat. There shall be appended to the report the list of delegates present at the sitting together with the texts adopted and the results of the votes.

Each delegate may demand the right to revise that part of the report containing a speech which he has made before it is printed in final form. In order that any proposed corrections may be inserted they should be handed in to the secretariat during the evening following the sitting.

The verbatim reports will be signed by the president of the conference and the secretary general.

## ARTICLE 20.

## ELECTION OF THE MEMBERS OF THE GOVERNING BODY OF THE INTERNATIONAL LABOR OFFICE.

The conference will proceed every three years in the course of its meeting to take the necessary steps to appoint the members of the governing body of the International Labor Office in accordance with Article VII (393) of the convention.

For this purpose the Government delegates of all the members, excepting those of the eight members of the chief industrial importance within the meaning of the said article, shall meet in order to choose the four members whose Government shall nominate representatives to the governing body.

The delegates of the employers and of the workers shall meet separately in order to appoint their six representatives on the governing body. These representatives shall be appointed by name.

In the event of a vacancy in the governing body arising among the representatives of employers' or workers' organization, and if the governing body has not provided for the method of filling such vacancies in accordance with Article VII (393) of the convention, the delegates at the conference belonging to the category concerned, shall assemble during the course of the next meeting in order to fill the vacancy in their representation on the governing body.

If the governing body has provided for the filling of vacancies according to the same article of the convention, the conference shall proceed to the approval of the decisions taken by the governing body in this respect.

If their decisions are not approved by the conference, steps shall immediately be taken to make fresh appointments under the conditions provided above in regard to the triennial reappointment of the governing body.

## APPENDIX.

## DRAFT STANDING ORDERS PREPARED BY THE ORGANIZING COMMITTEE.

## ARTICLE 1.

## COMPOSITION OF THE CONFERENCE.

The conference consists of all the delegates and advisers duly appointed by the members of the International Labor Organization.

The number of advisers present at one time at each sitting shall be limited to not more than two for each delegate.

Seats in the conference room shall be assigned to the delegates and their advisers by the governing body.

(In the case of the first meeting, seats will be assigned by the Government of the United States.)

## ARTICLE 2.

## PROVISIONAL OFFICERS OF THE CONFERENCE.

The conference shall be opened by the president of the governing body of the International Labor Office assisted by the officers of the

same body. These provisional officers will continue to act until officers have been duly appointed by the conference.

(For the 1919 meeting, the provisional officers will consist of a delegate of the Government of the United States as president and of the president of the International Organizing Committee as vice president.)

## ARTICLE 3.

## VERIFICATION OF CREDENTIALS.

The credentials of delegates and their advisers shall be deposited with the secretariat of the International Labor Office at least 15 days before the date fixed for the opening of the meeting of the conference.

A brief report upon them shall be submitted by the president of the governing body. This report and the credentials shall be open to inspection by the delegates on the day before the opening of the conference.

Any objections raised by delegates concerning the nomination of delegates or advisers shall be lodged with the provisional officers of the conference during the opening sitting and transmitted by them to a commission charged with the verification of credentials.

The commission shall immediately examine those cases to which attention has been drawn in the report of the president of the governing body, or by individual objections, and shall present an early report.

The commission will consist of three delegates appointed by the conference.

Any delegate or adviser to whose nomination objection has been taken retains the same rights as other delegates and advisers until the question of his admission has been finally decided.

(In the case of the Washington conference the International Organizing Committee will submit a report on the day before the opening of the conference dealing with all credentials which have reached it irrespective of the date of receipt.)

## ARTICLE 4.

## OFFICERS OF THE CONFERENCE.

The officers shall consist of a president and of three vice presidents appointed by the whole of the delegates to the conference. The three vice presidents shall be chosen respectively from among the delegates of the Governments, of the employers' associations, and of the workers' associations.

The president and the three vice presidents should be of different nationalities.

Women delegates may be appointed to any of the above offices in exactly the same way as men.

## ARTICLE 5.

## SECRETARIAT.

The secretarial work of the conference shall be carried out by officials of the International Labor Office appointed for the purpose by the governing body of the said office.

The director of the International Labor Office shall be the secretary general of the conference and shall be responsible for the secretariat. He may be assisted by one or more assistant secretaries general appointed by the governing body of the International Labor Office.

The secretariat of the conference will be responsible inter alia for the receiving, printing, circulation, and translation of documents, reports, and resolutions; the translation of speeches at the sittings; the taking, printing, and circulation of the shorthand notes of the proceedings at the sittings; the custody of the archives of the conference; the publication of the report of the meetings; and, generally for all other work which the conference may think fit to entrust to it.

(As regards the 1919 conference, the functions of the secretary general of the conference shall be intrusted to a provisional secretary general appointed by the American Government in agreement with the International Organizing Committee.)



The personnel of the secretariat shall be chosen in the same way and as far as possible from among the persons who have belonged to the secretariat of the organizing committee or to the secretariat of the International Commission on Labor Legislation of the Peace Conference, or from among American officials dealing with the preparations for the conference.

The number and functions of the persons forming the secretariat of the first session of the conference shall be settled by agreement between the Government of the United States and the International Organizing Committee.)

## ARTICLE 6.

## ORDER OF PROCEDURE OF THE CONFERENCE.

After consideration of the report presented by the governing body, and as provided in Article XVI (402) of the convention, the conference will decide as to the retention on the agenda of any item to which objection has been lodged by the Government of a member of the International Labor Organization.

It will also decide, as provided in the same article, as to the inclusion of items on the agenda of the next meeting.

The conference will decide the order in which the different items on the agenda shall be discussed.

## ARTICLE 7.

## COMMISSIONS.

The conference may decide to set up special commissions for any purpose which it considers desirable.

A committee of selection composed of 12 Government delegates, 6 employers' delegates, and 6 workers' delegates shall nominate the members of commissions, subject to the approval of the conference.

The members of the committee of selection shall be appointed respectively by the Government delegates, the employers' delegates and the workers' delegates, not more than one in each class belonging to the same country.

An official of the secretariat of the conference shall be appointed to act as secretary to each commission.

Each commission shall appoint a chairman, and a reporter to present the results of its deliberations to the conference. The reporter may be an adviser.

As a general rule, the sittings of the commissions shall not take place at the same time as the plenary sittings of the conference. Where in exceptional cases the sittings of a commission coincides with a plenary sitting of the conference the delegates detained at the conference may appoint substitutes to represent them on the commission.

## ARTICLE 8.

## RIGHT OF ADMISSION TO SITTINGS OF THE CONFERENCE.

The sittings of the conference shall be public, except in cases where it has been expressly decided to the contrary.

The only persons authorized to enter the body of the hall besides delegates and advisers shall be:

(1) The secretaries or interpreters of the delegations, who shall not exceed one in number for each delegation;

(2) The Director of the International Labor Office, and the officials of the office who have been appointed to the secretariat of the conference.

## ARTICLE 9.

## PROCEDURE—FUNCTIONS OF THE PRESIDENT.

The president shall pronounce the opening and closure of the sittings. Before proceeding to the agenda, he shall bring before the conference any communications which concern it.

He shall direct the debates, maintain order and insure the observance of the standing orders, accord or withdraw the right to address the conference, pronounce the closure of discussions, put questions to the vote and announce the result of the vote.

The president shall not take part in the debates and shall not vote. He may appoint a substitute delegate in accordance with article 18 below.

## ARTICLE 10.

## RIGHT TO ADDRESS THE CONFERENCE.

No delegate may address the conference without having previously asked and obtained the permission of the president.

Speakers shall be called upon in the order in which they have signified their desire to speak.

No speaker shall address the conference more than once on the same subject during the general discussion.

The president may call upon a speaker to resume his seat if his remarks are not relevant to the subject under discussion.

When a motion is under discussion, a delegate may rise to a point of order, and such point of order shall be immediately decided by the president in accordance with the standing orders.

The conference may limit the time allowed to each speaker.

Interruptions and audible conversation are not permitted.

The director or any other official of the International Labor Office may address the conference if invited to do so by the president.

## ARTICLE 11.

## LANGUAGES.

The French and English languages shall be the official languages of the conference.

Speeches in French shall be summarized in English and vice versa by an interpreter belonging to the secretariat of the conference.

A delegate may speak in his own language, but his delegation must provide for the translation of a summary of his speech into one of the two official languages by an interpreter attached to the delegation.

The summary thus translated will then be rendered in the other official language by an interpreter belonging to the secretariat.

All documents, resolutions, reports, etc., circulated to the members of the conference by the secretariat shall be rendered in both French and English.

Each delegation has the right to have documents circulated in its own language, but the secretariat of the conference will not be responsible for their translation.

## ARTICLE 12.

## DRAFTING COMMITTEE.

The conference shall appoint a drafting committee, whose duty it will be to draw up, in the form of draft conventions or recommendations, the decisions adopted by the conference.

The same committee shall ensure agreement between the French and English texts, the translation of which is undertaken by the secretariat.

The members of this committee shall be nominated by the selection committee provided for in article 7.

## ARTICLE 13.

## NOTICE OF MOTIONS OR AMENDMENTS.

All amendments or motions must be handed in to the secretariat of the conference. They will be printed for the sitting on the day following that on which they have been handed in.

As a general rule no amendment or motion shall be discussed nor made the subject of a vote in the course of a sitting, unless it has been circulated not later than the beginning of that sitting to all the members of the Conference as provided in article 11 of the present standing orders.

The president may, however, permit the discussion of amendments dealing with minor modifications of texts under discussion or of



motions as to procedure,<sup>1</sup> without their having been previously handed in and circulated.

#### ARTICLE 14.

##### CLOSURE.

A delegate may at any time move the closure of the discussion, whether other delegates have signified their wish to speak or not. If application is made for permission to speak against the closure, it may only be accorded to a single speaker.

The president shall take the sense of the conference on the motion, which shall be decided by a show of hands. If a majority of the delegates present vote in favor of the closure, the president shall pronounce the closure of the sitting accordingly.

#### ARTICLE 15.

##### METHODS OF VOTING.

The conference shall vote by a show of hands or by a record vote.

Voting shall be by a show of hands in all cases in which a record vote is not required by the present standing orders.

Votes by a show of hands shall be taken by the secretariat and the result announced by the president.

In case of doubt as to the result, a record vote may be taken.

A record vote shall be taken in all cases in which a majority of two-thirds of the votes is required by the convention.

A record vote may also be taken on any question if a request to that effect has been made in writing by not less than 20 delegates and handed in to the president.

Record votes shall be taken by calling upon each individual delegate, each delegation voting in turn in the French alphabetical order of the names of the members of the International Labor Organization.

The vote shall be recorded by the secretariat and announced by the president.

The names of the delegates voting in a record vote shall be inserted in the verbatim report of the sitting.

It shall not be within the competence of the president to propose a record vote.

#### ARTICLE 16.

##### QUORUM.

In accordance with Article XVII (403) of the convention, a vote is not valid if the number of votes cast is less than half the number of delegates present at the meeting of the conference. This number shall be determined after the presentation of the brief report referred to in paragraph 2 of article 3. If any delegate is not finally admitted, the number shall be modified accordingly for the subsequent sittings.

#### ARTICLE 17.

##### MAJORITIES.

In accordance with Article XVII (403) of the convention, a simple majority of the votes cast by the delegates present shall be sufficient in all cases in which a larger majority is not specially required by other articles of the convention.

The conference can not decide that more than a simple majority shall be necessary in other than these cases.

#### ARTICLE 18.

##### SUBSTITUTES.

In accordance with Article III (389) of the convention, a delegate may by notice in writing addressed to the president appoint one of

his advisers to act as his substitute. Such notice must be addressed to the president before the sitting, unless a new question comes up for discussion in the course of the sitting. The notice shall indicate the sitting or sittings at which the substitute will act.

Substitutes may take part in the debates and may vote under the same conditions as delegates.

#### ARTICLE 19.

##### VERBATIM REPORTS.

A verbatim report shall be printed at the conclusion of each sitting by the secretariat. There shall be appended to the report the list of delegates and advisers present at the sitting together with the texts adopted and the results of the votes.

Each delegate may demand the right to revise that part of the report containing a speech which he has made before it is printed. In order that any proposed corrections may be inserted, they should be handed in to the secretariat during the evening following the sitting.

The verbatim reports will be signed by the president of the conference and the secretary general.

#### ARTICLE 20.

##### ELECTION OF THE MEMBERS OF THE GOVERNING BODY OF THE INTERNATIONAL LABOR OFFICE.

The conference will proceed every three years in the course of its meeting to take the necessary steps to appoint the members of the governing body of the International Labor Office in accordance with Article VII (393) of the convention.

For this purpose, the Government delegates of all the members, excepting those of the eight members of the chief industrial importance within the meaning of the said article, shall meet in order to choose the four members whose Government shall nominate representatives to the governing body.

The delegates of the employers and of the workers shall meet separately in order to appoint their six representatives on the governing body. These representatives shall be appointed by name.

In the event of a vacancy in the governing body arising among the representatives of employers' or workers' organizations, and if the governing body has not provided for the method of filling such vacancies in accordance with Article VII (393) of the convention, the delegates at the conference belonging to the category concerned, shall assemble during the course of the next meeting in order to fill the vacancy in their representation on the governing body.

If the governing body has provided for the filling of vacancies according to the same article of the convention, the conference shall proceed to the approval of the decisions taken by the governing body in this respect.

If their decisions are not approved by the conference, steps shall immediately be taken to make fresh appointments under the conditions provided above in regard to the triennial re-appointment of the governing body.

#### Second Report.

##### STATES REPRESENTED BY GOVERNMENT DELEGATES ONLY.

Sixteen States have appointed only Government delegates to take part in the Washington conference, viz, Bolivia, Brazil, Chile, China, Colombia, Ecuador, Haiti, Nicaragua, Paraguay, Persia, Portugal, Roumania, Salvador, Siam, Uruguay, and Venezuela. This situation has called forth a protest from the workers' delegates on the ground that as a result of the course followed by certain Governments, the proportional strength of the workers in the conference has been lessened, especially as each Government is entitled to be represented by two delegates.

The terms of reference of the commission on this point were not further defined. The commission considers that it was expected to

<sup>1</sup> "Motions as to procedure" include the following:

Motion to amend the motion; a motion to refer the matter back; a motion to postpone consideration of the question; a general motion of adjournment; a motion to adjourn a debate on the particular question; a motion that the conference proceed with the next item on the agenda of the day.



discuss, in the first place, whether the Governments concerned had the right to appoint Government delegates only; and, in the second place, what practical step could be taken by the conference itself.

I. Article 389 of the treaty of peace states that the conference—shall be composed of four representatives of each of the members of whom two shall be Government delegates and the two others shall be delegates representing, respectively, the employers and the workpeople of each of the members.

The treaty also adds in paragraph 3 of the same article:

The members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Finally, paragraph 2 of article 390 states:

If one of the members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the conference, but not to vote.

Paragraph 3 of the same article provides that the same course shall be followed when a non-Government delegate is refused admission under the provisions of article 389.

The commission is of opinion that these provisions of the treaty constitute a positive obligation on the Governments to appoint four delegates, and that Governments are not, in principle, entitled to appoint only Government delegates if the conditions in their countries are those envisaged in article 389, that is, if employers' and workers' organizations exist.

The treaty, however, does not stipulate any penalty for the case in which this obligation is not fulfilled, and it may be argued that failure to fulfill this obligation would not deprive the Government delegates of the right to vote.

The commission is of opinion that article 390, which applies to the exceptional case in which a non-Government delegate has not been appointed, must be strictly interpreted. It wishes to point out, however, that even in this case the Government delegates retain their right to vote.

The commission does not, therefore, consider that the conference has the right to deprive Government delegates who are not accompanied by non-Government delegates of the right to vote, and no action seems possible against a Government which has not fulfilled the obligation in question.

As regards those countries in which there are no organizations representative of workers and employers, there appears no reason to question the right of the Government delegates, who are not accompanied by other delegates to vote.

In any case, from the practical point of view, there would appear to be very little to be said in favor of depriving the Government delegates concerned of their right to vote. The effect of this step would, in fact, be, either to prevent some Governments from taking part in the conference, or, on the other hand, to force them to appoint four delegates, who would be, as a matter of fact, four Government delegates.

II. The commission thought it desirable to examine the reasons which had caused the Governments concerned to appoint only Government delegates, and it accordingly requested them to furnish it with the necessary information. The results of this inquiry may be briefly summarized as follows:

(a) Certain Governments were unable to send to Washington non-Government delegates in time, either because they considered that it was necessary to await the ratification of the peace treaty (Uruguay), or for other reasons (Portugal, Roumania).

(b) Other Governments stated that in their countries there were no workers' organizations, and considered that in such circumstances it was not intended that they should appoint non-Government delegates. This was the case, for example, as regards Colombia, Ecuador, Siam, and Persia.

(c) Others communicated with the organizations which they recognized as representative, and these organizations either did not reply or did not wish to nominate delegates. This was the case as regards Salvador.

(d) Other States explained that it was merely lack of time and the insufficiency of necessary preparations which had forced them to send incomplete delegations. Such, for example, was the case as regards China, whose representative explained that the Government was making efforts to secure cooperation between the existing workers' organizations in order to be able to obtain in future the joint nomination of a delegate.

(e) The statement made by the minister of Haiti, Mr. Moravia, was of considerable interest. He explained that his country was agricultural; that there were no industrial organizations of employers or workers; and that there was very little likelihood of them being formed for some considerable time. His country was particularly interested in the question of unemployment, and he was attending the conference *ad audiendum* and not taking part in the votes.

Briefly, therefore, the greater number of countries without non-Government delegates would appear to have adopted this course for reasons of a temporary character.

III. In these circumstances the commission unanimously agreed to a proposal of Mr. Ilg, and are of the opinion that:

- (1) As regards the present conference no steps need be taken.
- (2) That the Government delegates of the States concerned can not be deprived of their right to vote.

ERNEST MAHAIM, *President*.

E. J. PHELAN, *Secretary*.

NOVEMBER 19, 1919.

#### COMMITTEE ON DRAFTING.

Dr. Felipe Espil (Argentina).

Mr. Ernest Mahaim (Belgium).

Mr. L. C. Christie (Canada).

Mr. Max Lazard (France).

Capt. Edgar Abraham (India).

Dr. Manley O. Hudson (United States).

#### REPORT OF THE COMMITTEE ON DRAFTING.

The drafting committee has tentatively approved the attached drafts of formal clauses to be embodied in any draft convention which may be put forth by the International Labor Conference. The committee wishes to have these draft clauses circulated to the various commissions of the conference in order that the commissions may know the lines along which the drafting committee has been working and the subjects which it thinks should be covered. Various commissions may have some suggestions on these subjects in connection with their bearing upon special fields. The drafting committee would be very pleased to have any suggestions from the various commissions before it proceeds to any final drafting of these clauses.

#### TENTATIVE FORM FOR THE DRAFT CONVENTIONS ADOPTED BY THE LABOR CONFERENCE.

The general conference of the Labor Organization of the League of Nations, having been convened by the Government of the United States of America at Washington, on the 29th day of October, 1919, and having decided upon the adoption of certain proposals with regard to the "application of the principle of the 8-hour day or of the 48-hour week," which is the first item in the agenda for the Washington meeting of the conference, and having determined that these proposals shall take the form of a draft international convention, adopts the following draft convention for ratification by the members of the Labor Organization, in accordance with Part XIII of the treaty of Versailles of June 28, 1919, and the treaty of Saint Germain of September 10, 1919.



## ARTICLE ———.

Each country which ratifies or accedes to this convention undertakes to adopt or to propose to its legislative authority the adoption of effective measures to insure the strict execution of the terms of the present convention.

## ARTICLE ———.

This convention, of which the French and English texts are both authentic, shall be ratified by the members of the Labor Organization under the conditions set forth in Part XIII of the treaty of Versailles of June 28, 1919, and the treaty of St. Germain of September 10, 1919. The formal ratification shall be communicated to the secretary general of the League of Nations and shall be registered with the secretariat.

## ARTICLE ———.

Any fully self-governing country which is not a member of the Labor Organization may accede without reservation to this convention. The act of accession shall be communicated to the secretary general of the League of Nations and shall be registered with the secretariat.

## ARTICLE ———.

Each country which is bound by this convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing, (1) except where, owing to the local conditions, the convention is inapplicable, or (2) subject to such modifications as may be necessary to adapt this convention to local conditions. Each country shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

## ARTICLE ———.

As soon as the ratifications of ——— members of the Labor Organization (including at least ——— of the countries whose Governments are represented in the governing body of the International Labor Office) have been registered with the secretariat, the secretary general of the League of Nations shall so notify all the members of the Labor Organization.

## ARTICLE ———.

This convention shall not come into force until (—— months after) such notification has been issued by the secretary general of the League of Nations, and it shall then be binding only upon those countries which have registered their ratification or accession with the secretariat. Thereafter this convention will come into force for any other country, at the date when its ratification or accession is registered with the secretariat.

## ARTICLE ———.

A country which has ratified or acceded to this convention may denounce it after the expiration of ——— years after the date on which the convention first comes into force, by an act communicated to the secretary general of the League of Nations and registered with the secretariat. Such denunciation shall not take effect until one year after the date on which it has been registered with the secretariat.

## ARTICLE ———.

The general conference of the Labor Organization may, at any time after five years from the date on which this convention shall first come into force, propose the revision or modification of this convention; and in any case, at least every 10 years after the date on which this convention shall first come into force, the governing body of the International Labor Office shall consider the desirability of placing on the agenda of the conference the question of the revision or modification of this convention.

## COMMISSION ON HOURS OF WORK.

|                                  |   |
|----------------------------------|---|
| Chairman.....                    | Mr. Tom Shaw (Great Britain).           |
| Government delegates....         | Mr. Ernest Mahaim (Belgium).            |
|                                  | Hon. G. D. Robertson (Canada)           |
|                                  | Mr. Arthur Fontaine (France).           |
|                                  | Rt. Hon. G. N. Barnes (Great Britain).  |
|                                  | Mgr. W. H. Nolens (Netherlands).        |
| Employers' delegates.....        | Mr. Jules Carlier (Belgium).            |
|                                  | Mr. S. R. Parsons (Canada).             |
|                                  | Mr. Louis Guérin (France).              |
|                                  | Mr. D. S. Marjoribanks (Great Britain). |
|                                  | Mr. D. Schindler (Switzerland).         |
| Workers' delegates.....          | Mr. Corneille Mertens (Belgium).        |
|                                  | Mr. Tom Moore (Canada), substitute for  |
|                                  | Mr. Draper.                             |
|                                  | Mr. Léon Jouhaux (France).              |
|                                  | Mr. Jan Oudegeest (Netherlands).        |
|                                  | Mr. Tom Shaw (Great Britain).           |
| Secretary, Dr. G. Pardo (Italy). |   |

## REPORT ON A DRAFT CONVENTION RELATING TO THE EIGHT-HOURS DAY AND THE FORTY-EIGHT HOURS WEEK.

The commission appointed by the conference to examine the draft convention relating to the establishment of the eight-hour day was appointed following the general discussion in the plenary sitting. This commission was to examine the amendments presented by the Government, employers', and workers' delegates to the draft convention worked out by the organizing committee. The reporter of the commission is, therefore, neither required to present the general considerations which are to be found developed at length in the reports of the plenary sittings, nor is he required to present the comparative legislation found in the reports of the Organizing Committee. He must confine himself to comments on the differences between the text proposed by the eight hours commission and the text of the original text of the Organizing Committee.

In the first place we call attention at once to the fact that we are not submitting recommendations, but a draft convention. The commission did not consider recommendations sufficient in dealing with a matter which is already the subject of numerous national laws. The word "draft," however is exact in the sense that our votes do not establish conventions applicable by virtue of their being our resolutions alone; they constitute texts to be submitted to the competent authorities in the various States, which after examination are accepted or rejected under conditions formulated in article 405 of the peace treaty with Germany (art. 19 of the by-laws of the conference).

## ARTICLE 1.

Paragraph 1 of article 1 indicates that the convention shall apply to all industrial establishments other than those in which members of the family only are employed. Your commission proposes to specify all industrial establishments, including all branches thereof, public or private. The words "public" and "private" need no comment. Industrial establishments belonging to the Government or to local authorities can not be exempted from the general regulations prescribed for private establishments. The words "including all branches thereof" signify that the entire personnel of an industrial establishment shall come under the provisions of the text, whether they be employed in the manufacturing, packing or shipping department, the drafting and designing rooms, or the office which has charge of correspondence, etc. The industrial establishment with all its related and adjoining departments forms a whole, and its employees are entitled to the benefit of the law.

This definition conforming to legislation accepted in several countries, is the more necessary in that the commission is not proposing to you to extend the draft convention to include commercial



establishments, and inasmuch as banks and administrative offices with their numerous personnel are not subject to the convention. In refusing to extend the benefits of the eight-hour day to commercial establishments at the present time, the majority of the commission based their decision on the fact that its application would be difficult in shops and small stores, and also on the fact that the question was not yet ripe, and deserved special study.

The commission did not consider it possible to regulate the length of the day in home work. The majority were of the opinion that control of the hours of home work would be very difficult even with frequent inspection. They also believed that the question of controlling home work would arouse violent opposition. In a word, the sentiment of the majority was that home work, which certain members of the commission wished to restrict as much as possible, owing to abuses connected with it, should be made the subject of investigation and subsequent recommendation by the International Labor Office.

It seems necessary to emphasize the fact that the only workshops to escape the provisions of the text are those where only members of the family are employed. Where a single worker not belonging to the family is employed, the workshop would come under the provisions of the convention, and this interpretation, which is the correct one, of a very clear text is aimed at all subcontractors who take work home and employ coworkers and assistants who work with them under conditions which are too often deplorable.

The commission proposes to make a few additions, explanatory in character, of the nonspecific enumeration of industrial establishments. Thus it proposes to add the very general terms "and any other works for the extraction of minerals" to the words "mines and quarries," article 1 (a), which have a restricted meaning in certain national legislation, and do not necessarily include open diggings (open-pit iron mining), salt mines, oil wells, etc. In the same way in paragraph (b), for the words "the production and transformation of electricity" we substitute the more general terms "the production, transformation, and transmission of power in general; electric, hydraulic, etc."; and for the same reason we add after "shipbuilding" "establishments concerned with the demolition of material," which are of great importance in certain countries, notably in connection with ships and machinery. As a matter of fact such undertakings were in no way excluded by the list of the Organizing Committee, which is simply explanatory and the controlling words of which are "all industrial establishments." The fundamental defect of every list is that it always requires to be supplemented.

In article 1, paragraph (d), it is not a question of an explanatory modification, but of a basic one of great importance. After the words "transport of passengers or goods by road or rail" the commission adds "by sea or inland waterway." Limitation of the hours of work on ships and boats is prescribed herein. The commission added, however, at the end of the paragraph, the following words:

Provisions relative to transport by sea shall be determined by a special conference on maritime employment.

In regard to transportation by sea, therefore, it is only a question of confirming a principle; the application of the principle will be in conformity with the regulations to be indicated by a special conference. Moreover, in a report of the chairman of the committee of selection on motions relating to the agenda of a future conference you are invited to express your opinion on holding a special conference on maritime employment. Therefore I need not emphasize the matter here.

As regards inland navigation, I must emphasize the fact that the special conference will concern itself only with transport by sea and that the majority of the commission considered that the provisions of the draft convention should apply to inland navigation.

A final modification is to be noted in the last paragraph of article 1. The commission says:

"The competent authority in each country shall determine the lines of demarcation between industry on one hand," instead of "Legislation in each country." In the French text the word "legislation" includes not only laws proper, but also regulations issued by virtue of legislative authority. It was not the same as the words "national law" in the English text, and the majority of the commission found that the terms employed by the Organizing Committee are not applicable owing to the constitutional differences existing in the countries represented at the conference.

It will be observed that as a result of the definition given in paragraph 1, of article 1, and from specific examples listed in paragraphs (a), (b), (c), and (d), the rôle of the competent authorities is very much circumscribed.

#### ARTICLE 2.

The commission held that it was not possible to ignore the fact that the principle on which the draft convention depends is as follows: the 8-hour day and 48-hour week, i. e., that the normal working day is 8 hours and the normal working week 48 hours. The commission proposes to state explicitly that the hours of work for workers shall not exceed 8 hours per day and 48 hours per week, but the commission retains at the same time the words of the draft convention of the Organizing Committee, namely, "with the exceptions hereinafter provided." Under these "exceptions" (which some of the members of the commission would prefer to call "derogations," but which leave no doubt as to their meaning and scope) there is given, in an explicit fashion and excluding all dispute, opportunity of observing in practice the 48-hour week with a half-day holiday under clearly determined conditions and of making equivalent arrangements involving a different number of hours for work on other days of the week. Precautions are taken, moreover, to prevent abuses resulting from this modification of the length of the working day. The text adopted in this connection is as follows:

Where by law, custom, or agreement between employers' and workers' organizations or between the employers' and workers' representatives, where no such organizations exist, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent authority or by agreement between such organizations or representatives: *Provided, however*, That in no case shall the daily limit of eight hours under the provisions of this paragraph be exceeded by more than one hour.

This paragraph is inserted between two other exceptions provided for in article 2 of the text of the Organizing Committee, the first relating to persons holding positions of supervisory or managerial responsibility or employed in a confidential capacity, and the second to work carried on by a succession of shifts. Slight modifications, however, have been made by the commission in the text as proposed by the Organizing Committee for these two exceptions.

With regard to supervisory and managerial personnel and persons in a confidential capacity, the commission struck out the words "not usually employed in manual labor." Several members were afraid that this would be wrongly interpreted and tended to exclude, quite wrongly, the office and similar personnel of industrial establishments from benefiting by this law.

The modifications made in the second exception consist in substituting for the words "48 hours per week" the words "8 hours per day and 48 hours per week"; and secondly, changing the period of four weeks originally provided for to a period of three weeks or less. Following is the new text of the last paragraph of article 2:

Where persons are employed in shifts it shall be permissible to employ persons in excess of 8 hours in any one day and 48 in any one week, provided the average number of hours over a period of three weeks or less does not exceed 8 hours per day and 48 hours per week.

It has been shown that a period of three weeks sufficed for work carried on by three shifts, except in the case provided for in article 4, for processes which for technical reasons can not be interrupted, to even up the daily and weekly average of hours of work and to provide for the changing of shifts.

Before concluding our observations relative to article 2, we ought to mention the fact that the calculation of the duration of work is provided for in article 8 (b) of the draft convention.



## ARTICLE 3.

In article 3 it is definitely stated that accidents which permit the exceeding of the limit provided for in article 2 include both those to be prevented and those the damage of which needs to be repaired. We say:

The limit in the number of working hours provided for in article 2 may be exceeded in the case of accidents actual, or threatened, urgent work to be done to machinery or plant, etc.

Attention has also been drawn to the fact that the English version does not satisfactorily translate the words "travaux d'urgence" of the French version, and that the English version should be altered. Also, it was recognized that the following words of the French version, "ou en cas de force majeure," were translated by a much more general expression in English which might lead to abuses. In order to retain the exact sense of the words "en cas de force majeure," the commission decided to adopt the same in the English version, untranslated.

The commission considered that after this correction the abuses which were foreseen as possible and feared by the workers' representatives would not occur, especially since the end of the sentence expresses exactly the thought of the framers of the text:

But so far only as may be necessary to avoid serious interference with the ordinary operation of the establishment.

## ARTICLE 4.

Article 4 relates to works the operation of which is necessarily continuous for technical reasons, such as blast furnaces. The majority of the commission considered that an average of 56 hours per week should be maintained for each of the three shifts in such works, it being understood, in the opinion of the commission, that the national laws can, by means of special holidays, best insure to the workers in these industries legitimate compensating leave for their weekly day of rest. The commission, however, desired to state precisely that only continuous processes should benefit by the exception, and not the entire undertaking in which such work is carried on. Thus for the words—"The limit of 48 hours may be exceeded in those industries or processes which are required by reason of the nature of the industry or process to be carried on continuously," etc., there have been substituted the words: "The limit of hours provided for in article 2 may be exceeded in processes which are required," etc.

The commission does not fail to appreciate the reasons which impel the workers' representatives to demand a more regular system for workmen employed in the iron and steel industry, and particularly the system provided in the last paragraph of article 2 for work in shifts. But for work which can not be interrupted, work which in the present state of industrial development must be carried on seven days in the week, the majority of the commission is of the opinion that the system demanded would involve great difficulties in organization and would require considerable increase in the number of employees; therefore, the commission holds that many countries can not overnight solve this problem of carrying out the convention at the present moment in view of the extensive improvements which would have to be introduced into the iron and steel industry to make the eight-hour shift possible.

The commission proposes to strike out the last paragraph of article 4 of the organizing committee, a paragraph which refers to a table called schedule A, dealing with continuous processes. This striking out of schedules A, B, C, and the very considerable modifications in the text which result therefrom will be explained in the commentary on the following articles.

## SCHEDULES A, B, C.

Schedules A, B, C, appended to the draft convention by the organizing committee, consist of an enumeration of (a) establishments, the operation of which by their technical nature is continu-

ous and which require night and day work; (b) the classes of work common to most industries which require to be exempted from the limit of 48 hours because the work must necessarily begin or end before the general work of the establishment; and (c) the industries which are liable to unusual pressure of work (seasonal industries, industries liable to sudden demands, industries having to do with perishable goods, industries in which the completion of the piece of work can not be accurately determined beforehand, etc.).

These tables were appended by way of supporting the exceptions defined in articles 4, 5, and 6 of the draft of the Organizing Committee; we have already spoken of them in article 4; we shall come to the others in our new article 6 on overtime.

It seemed to the commission that both time and documentary information were lacking for a thorough examination into the schedules in order to assume responsibility for them; it appeared also that the Organizing Committee had found itself in the same situation. Therefore the commission decided to disregard the schedules and to seek some other method, provisionally at least, of limiting abuses which are possible when a simple definition of the causes giving rise to exception is alone relied upon.

The commission has relied upon the organizations of employers and workers to conclude agreements regarding the legitimate number of hours to be allowed for work necessary before the beginning and after the close of work in an establishment, in order to define by industries and occupations, both the maximum number of hours and the cases in which these hours may be worked, the agreements to be concluded naturally under the necessary supervision of the Governments, the guardians of the law.

The commission has taken other precautions, as will be seen. It provided a special rate for overtime work (25 per cent at least in addition to the normal rate); it has requested that an accurate report be made each year by the International Labor Office—based on official reports from the States—of the practice followed as regards all the occupations mentioned in schedules A, B, and C of the original report of the Organizing Committee. The conference will thus be enabled to decide whether it is necessary to add to the provisions introduced to-day in the draft of the international convention; it will then be in a position to do this with accuracy without being in danger of bungling.

This prudent method, which safeguards the future and facilitates progress, after long discussions won the support of all the members of the commission.

## ARTICLE 5.

After the discussion of article 4 was finished, various members of the commission called attention to the fact that the articles voted upon do not allow the running of the railways in certain countries to be conveniently arranged, that agreements previously concluded provided for 10-day periods, for instance, with 10-day rests and supplementary monthly or trimonthly rests; other examples were brought forward for other industries. A long discussion ensued, as a result of which a compromise was introduced with the object of permitting all the States to accept the convention in course of preparation. This compromise, based, as has just been explained, upon a reliance in the organizations of the employers and the workers and upon the supervision of the International labor Office (see below, art. 7), was drawn up by a subcommittee, as follows:

In exceptional cases where it is recognized that the provisions of article 2 can not be applied, and only in such cases, agreements between workers' and employers' organizations may be given the force of regulations, if the Government (to whom these agreements shall be submitted) so decides.

The agreements may extend the daily limit of work, but the average number of hours worked, over the number of weeks covered by an agreement, shall not exceed 48.

## ARTICLE 6.

In the same spirit the same subcommittee drew up a compromise text relating to hours of work for work of preparation (art. 6, par. a) and for work of completion (art. 6, par. b), under the guaranties set



forth in this report in schedules A, B, and C. The text amended in a plenary meeting of the commission is drawn up as follows:

Regulations made by the competent authority shall determine for industries or trades:

(a) Permanent exceptions that may be allowed in work of preparation and completion, and for work that must be necessarily carried on outside the limits laid down for the general working of establishments, or for certain classes of workers whose work is essentially intermittent.

(b) The temporary exceptions which may be allowed, so that establishments may deal with exceptional cases of pressure of work.

These regulations shall be made after consultation with the employers' and workers' organizations interested, if any exist, which regulations shall fix the maximum hours of overtime in each instance. But the rate of overtime shall not be less than one and one-quarter times the regular rate.

We call attention to the fact that an increase of 25 per cent for overtime work has already been provided for in article 6 (a) of the organizing committee.

The commission rejected a motion to insert in the agreed minimum a rate of time and a half. It also rejected the proposal not to determine a minimum rate and to give absolute freedom to the agreements between employers' and workers' organizations. Article 6 worded thus takes the place of articles 5 and 6 of the draft of the organizing committee.

#### ARTICLE 7.

The reasons which led the commission to draw up article 7 have been explained in connection with the three preceding articles (4, 5, and 6). The new version of article 7, which takes the place of article 7 in the draft of the Organizing Committee, is worded as follows:

Each Government shall send to the International Labor Office—

(a) A list of the processes which are classed as being continuous in character. (See art. 4.)

(b) Information as to the carrying out of agreements mentioned in article 5.

(c) Also information respecting hours of overtime, as per article 6.

The International Office shall make an annual report thereon to the International Labor Conference.

This article 7, which is governed by the same motive as article 7 of the organizing committee, is, however, more general in scope.

#### ARTICLE 8.

Article 8 (a), which establishes the rules according to which the working hours are fixed, notified, and posted, was amended and adopted, so that for the words "by means of a notice posted in the works or other suitable place," there was substituted the more exact wording "by means of the posting of notices in conspicuous places in the works or other suitable places."

The greater part of the changes in the schedule of hours thus provided for are of slight importance, and, on the other hand, the methods and forms of notifications which are to be given to the inspectors are within the competence of the Governments which are responsible for the application of the law; it is for this reason that it did not seem possible to say that the hours, once fixed, could not be changed after agreement between organizations of employers and workers. While these agreements are desirable in order to provide general rules, the stipulation has been found to be too rigid to be inserted into the text without serious inconvenience.

Finally, the commission is of the opinion that it is not possible to impose upon the different States the forms approved by the International Labor Office. It is true that the conference could, in case of necessity, propose such forms through an international convention, but it is without the province of the International Labor Office to impose regulations upon the States on its own authority. It was understood, however, that the International Labor Office should elaborate with the least possible delay such forms, which if adopted would make comparisons possible and effective, and should transmit them to the members of the League of Nations and of the International Labor Organization.

#### ARTICLE 9.

In the case of a country where climatic conditions, the incomplete development of industrial organization, or other special conditions materially modify the efficiency of labor, a study will be made by a special commission. The general eight-hour commission did not deal with that matter.

Referring to the cases of Greece, Roumania, and Cuba, the memoranda of these countries have been turned over to the special commissions dealing with those States.

#### ARTICLE 10.

In response to the questions relative to the event of war, or other emergency endangering the national safety, a member of the Organizing Committee stated that the words "in event of war" did not seem to be sufficient. He cited the case of "danger of war," as provided in the laws of certain countries, which might bring about serious consequences. The meaning of the article is made more clear by the fact that the commission has not deemed it necessary to substitute "public security" for "national security," nor to add the words "or to insure the carrying on of the public service."

#### ARTICLE 11.

In conformity with the English text of the report of the organizing committee, the majority of the commission propose July 1, 1921, as the date on which the convention shall be put into force. An earlier date did not seem possible, as we are now at the end of 1919, and the treaty of peace provides (art. 405) that the waiting period allowed to Governments for submitting the draft convention to the competent authorities may be as long as 18 months, counting from the closing day of the conference.

In continuation of article 11, an amendment to the draft of the Organizing Committee provided for special delays for the devastated regions.

In view of the agreements reached in new articles 5 and 6, and of the time still to elapse before the convention goes into effect, the amendment was withdrawn, with the consent of the representatives of the employers' organizations of France and Belgium. But the commission considered it to be its duty to manifest its feelings touching the devastations of which these two countries, and numerous others, have been the victims, by voting unanimously the following resolution, presented by the Right Hon. G. N. Barnes:

The commission views with sympathetic concern the distress of the peoples of the devastated countries, consequent upon the destruction of homes and property in the devastated areas; it records its desire that reconstruction of those devastated areas should be expedited, and it affirms that the Governments and organizations which may carry out the convention limiting the hours of work may properly regard work of reconstruction as justifying special consideration.

\* \* \* \* \*

An amendment making the ratification of the present convention dependent on its acceptance by a certain number of countries was considered. The commission recognized that the governments or constitutional authorities who will be responsible for the adoption or rejection of the convention are the only qualified bodies competent to discuss a matter of this description. Consequently the amendment was withdrawn.

A final resolution received the attention of the commission. It was presented by the president of the commission and is worded as follows:

The provisions of this convention shall not interfere with any better conditions already in operation, or agreed upon, for all or part of the workers of any country.

Neither shall they interfere with any negotiations now proceeding in which the workers are asking for better conditions than the convention provides.

Many members having expressed the opinion that this principle was one of common law which could be applied to all our convention drafts which stipulate only the minimum advantages and that the principle is mentioned expressly in article 405 of the treaty of



peace (last paragraph of art. 19 of our by-laws), the commission approved the motion and ordered it inserted in this report.

The draft convention which we submit to the International Labor Conference is as follows:

DRAFT OF A CONVENTION TO LIMIT THE HOURS OF WORK IN INDUSTRIAL UNDERTAKINGS TO 8 HOURS IN THE DAY AND 48 IN THE WEEK.

ARTICLE 1.

The present convention applies to all industrial undertakings, public or private, and to all branches thereof of whatsoever kind, other than undertakings in which only the members of the family are employed.

Industrial undertakings shall be deemed to include the following:

(a) Mines and quarries and any other works for the extraction of minerals.

(b) Industries in which articles are manufactured, altered, repaired, ornamented, finished, or adapted for sale, or broken up or demolished, or materials are transformed (including the generation, transmission, and transformation of motive power, electric, hydraulic, etc., shipbuilding establishments concerned with the demolition of material, laundry work, etc.).

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, and the preparation for and laying the foundations of any such work or building.

(d) The transport of passengers or goods by road or rail, sea or inland waterways, including handling of goods at docks, quays, wharves, and at warehouses, but excluding transport by hand. The provisions relative to transport by sea shall be determined by a special conference dealing with maritime employment.

The competent authority in each country shall define the line of demarcation which separates industry on the one side and commerce and agriculture on the other.

ARTICLE 2.

The working hours of employed persons shall not exceed 8 hours in the day, and 48 in the week, with the exception hereinafter provided.

(a) The provisions of the convention shall not apply to persons holding positions of supervision or management, or employed in a confidential capacity.

(b) Where by law, custom, or agreement between employers' and workers' organizations (or where no such organizations exist, between the employers' and workers' representatives), the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent authority, or by agreement between such organizations or representatives. Provided, however, that in no case shall the daily limit of eight hours under the provisions of this paragraph be exceeded by more than one hour.

(c) Where persons are employed in shifts, it shall be permissible to employ persons in excess of 8 hours in any one day and 48 in any one week, if the average number of hours over a period of three weeks or less does not exceed 8 hours per day, and 48 per week.

ARTICLE 3.

The limit of hours of work prescribed in article 2 may be exceeded in case of accident, actual or threatened, and in case of urgent work to be done to machinery or plant, or of "force majeure," but so far only as may be necessary to avoid serious interference with the ordinary working of the undertaking.

ARTICLE 4.

The limit of hours of work prescribed in article 2 may also be exceeded in those processes which are required by reason of the

nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed 56 in the week on the average. The limitation of the hours of work shall not affect any holidays which may be secured to the workers in such industries by the national law in compensation for the weekly rest day.

ARTICLE 5.

In exceptional cases where it is recognized that the provisions of article 2 can not be applied, and only in such cases, agreements between workers' and employers' organizations may be given force of regulations, if the Government (to whom these agreements shall be submitted) so decides.

The agreements may extend the daily limit of work, but the average number of hours worked, over the number of weeks covered by an arrangement, shall not exceed 48.

ARTICLE 6.

Regulations made by the competent authority shall determine for industries or trades—

(a) Permanent exceptions that may be allowed in work of preparation and completion, and for work that must necessarily be carried on outside the limits laid down for the general working of establishments, or for certain classes of workers whose work is essentially intermittent.

(b) The temporary exceptions which may be allowed, so that establishments may deal with exceptional cases of pressure of work.

These regulations shall be made after consultation with the employers' and workers' organizations interested, if any exist, which regulations shall fix the maximum hours of overtime in each instance. But the rate of overtime shall not be less than one and one-quarter times the regular rate.

ARTICLE 7.

Each Government shall send to the International Bureau of Labor—

(a) A list of the processes which are classed as being continuous in character. (See art. 4.)

(b) Any information as to the carrying out of agreements mentioned in article 5.

(c) Information concerning the hours of overtime, as per article 6. The International Labor Office shall make an annual report thereon to the International Labor Conference.

ARTICLE 8.

In order to facilitate the enforcement of the provisions of this convention, every employer shall be required—

(a) To notify by means of the posting of notices in conspicuous places in the works or other suitable place, or by such other method as may be approved by the Government, the times at which the employment of his workers commences and ends, or where work is carried on by shifts, the times at which the employment of each shift commences and ends. The times shall be so fixed as not to exceed the limits provided for under this convention, and when notified shall not be changed except with such notice and in such manner as may be approved by the Government.

(b) To notify in the same way such rest times observed during the period of work as are not reckoned as part of the working hours.

(c) To keep a record in the form prescribed by the national law or order of the executive Government of all additional hours worked in pursuance of articles 3 and 6 of this convention.

It shall be made an offense against the law to employ any person outside the times fixed in pursuance of paragraph (a) or during the times fixed in pursuance of paragraph (b).

ARTICLE 9.



## ARTICLE 10.

The provisions of this convention may be suspended in any country by order of the Government, in the event of war or other emergency endangering the national safety.

## ARTICLE 11.

The provisions of this convention shall be brought into force not later than July 1, 1921.

(Signed) ARTHUR FONTAINE,  
*Reporter for the Commission.*

## APPENDIX A.

## DRAFT CONVENTION OF THE ORGANIZING COMMITTEE.

1. The present convention applies to all industrial undertakings other than undertakings in which only the members of the family are employed.

Industrial undertakings shall be deemed to include the following:

(a) Mines and quarries.

(b) Industries in which articles are manufactured, altered, repaired, ornamented, finished or adapted for sale, or materials are transformed (including the generation and transformation of electricity, shipbuilding, laundry work).

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, and the preparation for and laying the foundations of any such work or building.

(d) The transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and at warehouses, but excluding transport by hand.

The national law shall define the line of division which separates industry on the one side and commerce and agriculture on the other.

2. The working hours of employed persons shall not exceed 48 in the week, with the exception hereinafter provided; but the provisions of this convention shall not apply to persons holding positions of supervision or management or employed in a confidential capacity who are not usually employed in manual labor. Where persons are employed in shifts, it shall be permissible to employ persons in excess of 48 hours in any week if the average number of working hours over a period of one month or less does not exceed 48.

3. The limit of 48 hours may be exceeded in case of accident, breakdown of machinery or plant, or other emergency, but so far only as may be necessary to avoid serious interference with the ordinary working of the undertaking.

4. The limit of 48 hours may be exceeded in those industries or processes which are required by reason of the nature of the industry or process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed 56 in the week on the average. The limitation of the hours of work shall not affect any holidays which may be secured to the workers in such industries by the national law in compensation for the weekly rest day.

The industries included in schedule A shall be regarded as industries to which this article applies.

5. The limit of 48 hours may be extended to 60 in the case of any of the classes of workers included in schedule B.

6. (a) In industries in which the conditions specified in schedule C exist, overtime for not more than 150 hours in the year may be worked, subject to the condition that a worker when employed overtime shall receive a rate of pay which shall be higher by at least 25 per cent than his normal rate of pay.

(b) In other industries overtime for not more than 150 hours in the year during the next five years and afterwards for not more than 100 hours may be worked subject to the same conditions as in (a).

7. If any of the contracting States claims that any industry other than those specified in schedules A, B, or C carried on in its territory comes within any of the foregoing articles, it shall notify the same to the governing body of the International Labor Office.

8. In order to facilitate the enforcement of the provisions of this convention, every employer shall be required—

(a) To notify by means of a notice posted in the works or other suitable place, or by such other method as may be approved by the Government, the times at which the employment of his workers commences and ends, or where work is carried on by shifts, the times at which the employment of each shift commences and ends. The times shall be so fixed as not to exceed the limits provided for under this convention, and when notified shall not be changed except with such notice and in such manner as may be approved by the Government.

(b) To notify in the same way such rest times observed during the period of work as are not reckoned as part of the working hours.

(c) To keep a record in the form prescribed by the national law or order of the executive Government of all additional hours worked in pursuance of articles 3 and 6 of this convention.

It shall be made an offense against the law to employ any person outside the times fixed in pursuance of paragraph (a) or during the times fixed in pursuance of paragraph (b).

9.<sup>1</sup> In those countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances render the industrial efficiency of the workers substantially different, the following modifications of the provisions of this convention may take effect:

10. The provisions of this convention may be suspended in any country, by order of the Government, in the event of war or other emergency endangering the national safety.

11. The provisions of this convention shall be brought into force not later than July 1, 1921.

## SCHEDULE A.

1. (a) Industries in which work is necessarily carried on by all or the great majority of the workers night and day for seven days a week:

(i) The extraction of metal from the ore, or the recovery of metal by blast furnaces or other processes, including blast furnaces, reverberatory furnaces, retorts, electric furnaces, electrolytic process and the preliminary process of calcining ores.

(ii) The manufacture of coke and recovery of coal by-products from coal.

(iii) The production and refining of mineral oil, including oil from shale.

(iv) Public utility services (gas, electricity, water).

(b) Branches of industry in which work is necessarily carried on night and day for seven days a week, but which constitute a portion only, and generally a small portion of the work of the establishments in which they are carried on:

(i) Continuous processes in the manufacture of chemicals, including synthetic dyes.

(ii) Sugar refining (char-house).

(iii) Manufacture of condensed milk (receiving department and vacuum pan, pasteurizing and cooling departments).

(iv) Cement manufacture (Schneider kiln and rotary kiln processes).

(v) Steel manufacture (smelting department).

(vi) Works of construction (tunneling by compressed air, work of pump and engine attendants).

(vii) Salt works (work of lump men and wallers).

(viii) Glass manufacture (founders, teasers, casters, drawers, Lehr kiln men and cave men in sheet and plate works).

(ix) Mines (minding of pumps, fans, furnaces, winding).

(x).....

(xi).....

11. Industries in which work, though not carried on day and night, is necessarily carried on seven days a week, e. g., manufacture of milk products, other than condensed milk.

## SCHEDULE B.

Classes of work common to most industries which require to be exempted from the limit of 48 hours because of the special conditions of the employment:

(i) Persons who have to come in before the normal hour for beginning work, or to remain after the day's work is over, e. g., boiler attendants, enginemen, electricians, oilers and greasers, cleaners, timekeepers, and checkers.

<sup>1</sup> It will be necessary in accordance with article 405 of the treaty to consider the modifications necessary in the case of special countries, but as the replies of Japan, China, India, and other countries had not been received when this report was drafted, the commission has not yet been able to make any recommendations in regard to them.



- (ii) Persons who have to come in early to prepare material, e. g., sponge makers in baking trade, molders, laborers in foundries.
- (iii) Works maintenance staff, whose duty is to carry out repairs.
- (iv) Laboratory chemists and persons engaged in research work and testing work.
- (v) Furnace men (including glass tank men and teasers), retort men, men employed on works gas plants.
- (vi) Annealers engaged on continuous work (i. e., on work where the annealing takes several days to perform), and kiln men, oven men, and stove men.
- (vii) Day and night watchmen, caretakers, pointsmen on works railways.
- (viii).....
- (ix).....

#### SCHEDULE C.

- (i) Industries liable to press of work at certain recurring seasons of the year, e. g., aerated water making, beer bottling, printing and bookbinding, preparation of food malting, manufacture of ice, seed cleaning and grading, making and repairing of agricultural implements or machinery, manufacture of artificial manure.
- (ii) Industries liable to sudden press of orders arising from unforeseen events, e. g., making up of wearing apparel, job dyeing and dry cleaning, biscuit making, warehouses in which goods are made up for shipping orders, packing-case making for shipping orders, farriers, ship repairing, dock laboring.
- (iii) Industries in which the article manufactured or material used is of a perishable nature, e. g., fish curing, preserving of fruit, preserving of meat, manufacture of condensed milk, extraction of whale oil, manufacture of glue and gelatine.
- (iv) Industries in which the time for the completion of the work or process can not by reason of the nature thereof be accurately prescribed, e. g., bleaching and dyeing, textile printing, metal rolling mills and foundries, lead pipe making, copper refining, wire drawing, paper mills, baking of bread or biscuits, tanneries, starch and corn flour works, vulcanizing of rubber, sheathing or covering of electric cables.
- (v) Factories driven by water power only, which are liable to be stopped by drought or flood.
- (vi).....
- (vii).....

#### RECOMMENDATIONS OF THE ORGANIZING COMMITTEE.<sup>1</sup>

The organizing committee submit as a basis for the discussion of the subject by the conference the draft of a convention which is annexed to this chapter.

The draft embodies the principle of the 48-hours week. The committee suggest the adoption of this principle, rather than the principle of the 8-hours day, for two reasons. First, it allows more elasticity in the arrangement of the hours of work, and it facilitates the adoption of a half holiday, or even a whole holiday, on Saturday or some other day of the week by enabling a longer period than 8 hours to be worked on other days. Secondly, it helps to secure the weekly rest day, whereas the principle of an 8-hours day by itself does not.

It is clear that, whichever principle is adopted, some modifications will be necessary, at any rate for the present, in certain industries or branches of industry or classes of work. The committee have given very careful consideration to this question. It is of great importance, if uniformity of conditions is to be secured between different States, that the limits within which these modifications may be granted should be laid down in any convention that may be adopted. The mere affirmation of the principle of a 48-hours week, while leaving a wide discretion to each State to allow such exceptions as it considers desirable in the circumstances of its country, would not, so it seems to the committee, fulfill the purpose for which the International Labor Organization has been created. It must be recognized, however, that the consideration of the question is hardly yet sufficiently advanced in the different industrial countries to enable the cases in which, and the limits within which, modifications should be allowed to be laid down in exact detail. The committee have only found it possible to suggest in general terms the conditions which appear to justify an exception being made to the principle of the 48-hours week, and the general limits within

which the variations from the principle might reasonably be confined. As experience is obtained by the different States of the working of the provisions, it is hoped that it may be possible at a subsequent conference to make the provisions more precise, and they recommend that the conference should instruct the International Labor Office to pursue the inquiries into the subject and report in due course to the conference.

The most important case to be considered by the conference is that of the continuous industries—that is, industries which by reason of the nature of the work require to be carried on continuously for seven days in the week. It is customary in these industries to carry on the work by a succession of shifts working seven days a week. A typical case is that of the blast furnaces in the iron-smelting industry. It seems clear that at present there would be great difficulties in limiting the hours in this industry to 48 in the week by international regulation, and that an extension of hours must be allowed. A reorganization of the industry, by the adoption of a system of relief shifts or some other measure, would be necessary to enable the work of each individual worker to be limited to six days in the week. Such a reorganization has already taken place in some cases: for example, in the supply of electricity and gas in certain English towns; but the shortage of trained hands and other difficulties will have to be surmounted before its general adoption is possible. The committee, however, think that the question is one which urgently requires solution in order that the benefit of periodical rest days—which is one of the principles laid down in the treaty of peace—may be secured to the workers in these industries; in some cases such workers have already secured a minimum number of holidays during the course of the year, and it is understood, of course, that these will not be affected by the reduction in the number of weekly hours now proposed. They have considered whether it would be possible to recommend that the length of shift in the continuous industries should be limited to eight hours. They understand, however, that in some instances the length of the shift is graduated according to the intensity of the work—e. g., in the case of work at the winding engines in mines, the shift is shortened during the busy part of the day, when winding is going on continuously, and lengthened during the night, when the work is much less heavy. It is also common where men change periodically from one shift to another, so as to take in turn duty during the day and during the night, for the change over to be effected by one of the shifts being dropped and the other shift or shifts being correspondingly lengthened. The committee therefore recommend for these industries a provision that on an average over one month or less the hours of work shall not exceed 56 in the week.

Another important case for consideration is that of the workers, such as caretakers, repairing staff, boiler attendants, etc., whose duties require them to attend before and after the ordinary working hours or whose duties are of an intermittent or exceptionally light kind. A list of such cases is given in Schedule B to the draft convention, which has been drawn up on the basis of the information supplied to the committee. The list may not be exhaustive and further information will no doubt be forthcoming at the conference. The wages of such men are usually calculated with reference to the exceptional nature of their duties. It is important, however, that some limit to the number of hours they may be employed should be laid down, and the committee suggest not more than 60 in the week.

The last, and most important, question under this head is that of overtime. The cases in which overtime is worked at the present time fall mainly into two classes:

(a) *Cases in which overtime is made necessary by the special conditions of the industry.*—These are summarized in Schedule C to the draft convention. The most noteworthy cases in this class are those where the conditions are governed by the weather or the materials handled are of a perishable nature, and those where unforeseen pressure of work is liable to arise from time to time. In cases falling under this class it would be difficult, if not impossible, to meet the temporary

<sup>1</sup> Report on the 8-hours day and the 48-hour week prepared by the organizing committee for the International Labor Conference, Washington, 1919-London, pp. 136-141.



need by temporary additions to the staff, nor could a system which depended on a supply of casual labor be generally recommended. To some extent it may be found possible in the future by reorganization of work, careful arrangement and planning in advance, and standardization of products to meet the needs in those classes of industry which are subject to unforeseen and irregular pressure of orders without resort to overtime; but in others, especially those which are liable to be affected by the weather or the seasons, the need for occasional overtime will probably always remain. It is suggested by the committee that the number of hours overtime in the year should be limited in the case of these industries to 150, and that payment at an increased rate, say 25 per cent at least above normal rates, should be made compulsory for all overtime.

(b) *Cases in which overtime is worked to expedite or increase production, or to meet pressure of orders, but where the pressure is not due to anything special in the nature of the business itself.*—The need may arise from the fact that the employer has undertaken more work than his works can get through in the normal working hours, and it may happen that overtime in one factory, and short time in another, occur simultaneously. Some check is placed upon the working of this kind of overtime by the demand which labor makes to-day that the additional hours shall be paid for at higher rates of wages; but notwithstanding this, a large amount of such overtime is undoubtedly worked. The decision of the conference as to the proposal they shall put forward in regard to this class of overtime is perhaps the most important the conference has to make. It may be urged on the one hand with force that, in the circumstances of the present time, when the greatest possible production is needed to make good the losses caused in almost every country by the war, no check should be placed on the amount of overtime that may be worked, at any rate in industries producing essential articles. On the other hand, it is evident that unless the power to work overtime is strictly controlled by the provisions of the convention, uniformity of working hours between the different industrial countries and the security for the leisure of the workers, which it is the main object of the convention to secure, will not be attained, and the principle of the 48-hours week will to a great extent be rendered nugatory. It must also be remembered that both actual experience and the researches which have been made into the question of fatigue show that overtime is not an economical means of increasing production; that though in times of great emergency, such as the late war, when a large increase of output is needed for a short period, the use of overtime is justified, in the long run the efficiency of the worker is affected and the general rate of production is lowered. The committee therefore venture to suggest that power to work overtime should be limited to industries in Schedule C. If, however, the conference think it necessary to decide that, in present circumstances at any rate, the power to work overtime in other cases can not be entirely taken away, the committee recommend for the consideration of the conference that the following limits and conditions should be imposed:

(i) That the number of hours overtime in the year should be definitely limited, say to 150 hours a year for the next five years and afterwards to 100 hours.

(ii) That payment at an increased rate, say 25 per cent at least above normal rates should be made compulsory for all overtime.

The administrative arrangements to be adopted in each country for enforcing the observance of the provisions of the convention when embodied in the national law will necessarily vary with the organization of the national administration, but there are certain rules which appear to the committee to be essential in order to secure an effective supervision over the observance of the law. These are indicated in article 8 of the draft. The chief of these is that the working times in each establishment shall be fixed and notified beforehand, and that it shall be made an offense against the law to employ anyone outside the time so fixed. Unless this is done, it is almost impossible for the Government inspectors to check the

number of hours which are being worked in the establishment. Different times, of course, may be fixed for different branches of work or sets of men, though conditions will probably need to be imposed to prevent evasion of the law by the transference of men from one set to another and in other ways. The committee have not thought it necessary to make any suggestion as to the manner in which the times should be fixed. In some cases it may be found necessary for the State to fix the times, or alternative times between which a choice may be made by the employer (as in the existing British Factory Act); in others, they will be fixed by agreement between the organized employers and workers or the individual employer and his employees; in others again, it will be necessary to leave a discretion to the employer.

The committee have not been able, on the information before them, to consider exhaustively the question of the date when the convention should be brought into operation and the question whether it may be necessary to allow delays in the case of certain countries or certain industries. This will, they think, have to be fully examined at the conference; but they suggest that, in view of the progress that has been made recently with the adoption of the 8-hours day or 48-hours week, it should be possible to bring the convention into operation generally (subject to such exceptions as may be decided on) at an early date, and they suggest the 1st July, 1921, i. e., six months after the end of the period allowed by the treaty (article 405) for the passing of the necessary legislation.

#### COMMISSION ON SPECIAL COUNTRIES.

Chairman, Right Hon. G. N. Barnes (Great Britain).  
 China: Mr. Yung Ching Yang (substitute for Mr. Lingoh Wang).  
 France: Mr. Paul Collinet (substitute for Mr. Louis Guérin).  
 Great Britain: Right Hon. G. N. Barnes, Mr. G. H. Stuart-Bunning, Mr. G. S. Maginness (substitute for Mr. D. S. Marjoribanks).  
 India: Mr. L. J. Kershaw, Mr. A. R. Murray, Mr. N. M. Joshi.  
 Italy: Mr. Bernardi (substitute for Baron Mayor des Planches), Dr. M. Sacco (substitute for Mr. G. Baldesi).  
 Japan: Dr. M. Oka, Mr. Sanji Muto, Mr. Uhei Masumoto  
 Netherlands: Mr. Jan Oudegeest.  
 Persia: Mr. H. C. Finkel.  
 Poland: Mr. Jan Zagleniczny.  
 Siam: Phya Chanindr Bhakdi.  
 South Africa: Mr. H. Warrington Smyth, Mr. W. Gemmill, Mr. A. Crawford.  
 Switzerland: Dr. Hans Sulzer.  
 Tropical America: Dr. Santos A. Dominici (Venezuela), Dr. Luis Rosainz y de los Reyes (Cuba), Mr. V. A. Pujazon (Peru).  
 Secretary, Mr. H. J. W. Hetherington (Great Britain).

#### REPORT OF THE COMMISSION ON THE APPLICATION OF THE HOURS-OF-WORK CONVENTION TO SPECIAL COUNTRIES, AS PROVIDED IN ARTICLE 405 OF THE TREATY OF PEACE.

The commission has the honor to present the following report:

It held 10 sessions, the first being on November 11 and the last on November 22. At its first meeting the Right Hon. G. N. Barnes (Great Britain) was elected chairman, and Mr. Barnes presided throughout all deliberations of the commission.

The commission took the view that its functions were confined strictly to the consideration of the application of the 48-hour convention to special countries. It did not consider it to be within its

<sup>1</sup> This article includes the following paragraph:

"In framing any recommendation or draft convention of general application, the conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances make the industrial conditions substantially different, and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries."



province to make special recommendations on the hours of work of particular classes of workers. It conducted all its deliberations on the understanding that nothing embodied in the modified conventions which it proposed nor in its further suggestions should be construed as affording any jurisdiction for an increase of hours in the case of those workers who, though they came within the terms of the conventions, had already secured shorter working hours.

The commission, however, believes that all the recommendations embodied in its report, represent a substantial improvement in the conditions of the workers in the countries which it has considered.

On the subject of children's employment the commission passed the following resolution:

The commission affirms the principle that, as regards the employment of children in industrial undertakings in which hours of work have been limited by this convention, the limit of 8 hours should be regarded everywhere as an absolute maximum, and that, if in any country signatory to this convention there are children working more than 8 hours per day in industrial undertakings, such practice should be discontinued.

The commission is happy to report that it was able to arrive at most of its decisions with a considerable degree of unanimity. The only point of principle on which there was a fundamental divergence of opinion was on the question of the application of the convention to Japan. On this matter, the Japanese labor delegate held the view that Japan should be treated in precisely the same way as the other countries which were parties to the convention, and that no special modifications should be permitted. The grounds for that opinion are set forth in the attached minority report.

The draft convention embodying the detailed modifications with regard to Japan was accepted by 15 votes to 3. The commission desires to express its appreciation of the conciliatory spirit which was displayed by the representative of Japan in the protracted discussions which preceded the adoption of the modified draft convention.

The reports on India, Siam, Persia, Tropical America, and South Africa, were adopted *nem. con.* The report on China was adopted by 10 votes to 2.

The commission also had referred to it, from the commission on hours of work, the request of the Government delegates of Greece and Roumania, that some delay be granted to those countries in the application of the main convention. The commission unfortunately was not in a position to hear statements from the different interests represented in these countries, and has, therefore, adjourned the consideration of this matter for a short time. It will submit at an early date a supplementary report as regards these two countries.

#### I. JAPAN.

The position of Japan presents a problem of some difficulty. Japan is a country whose industry is still largely domestic but which is rapidly becoming organized along the lines of modern factories. During recent years the progress in the organizing of Japanese industry has been very great. At the same time Japan has had very little experience in factory legislation. The hours of work have been very long and in the case of adult male workers no regulation of hours of work exists at all. There is no provision for a weekly holiday; and over and above the hours which custom has established, overtime to the extent of two or three hours a day is very common. The factory act of Japan applies only to women and children. It prescribes a working day of 13 hours as a maximum. But in the silk industry, for example, which is the largest industry in Japan, an additional hour of overtime is permitted on 120 days in the year. The nominal hours of work in cotton mills are 11 a day and in some industries, like shipbuilding and iron works, the nominal number of hours is 10, but in all cases it has to be remembered that overtime is universal and extensive. Probably in most industries other than silk it is accurate to say the usual working day is 12 hours.

Again such restriction as exists in virtue of the factory act, applies only to factories employing 15 persons or more, so that in a country in which there is still a large number of domestic industries, a considerable proportion of the operatives are not subject to any limitation of

hours. Thus of 900,000 workers in silk, 47 per cent come under the scope of the law; 53 per cent do not.

In view of these facts it seemed to the commission to be impracticable to reduce the hours of work in Japan at once to the level which is contemplated for western countries. At the same time the Japanese Government has given expression to its intention to make "every effort to accelerate the unqualified adoption of the rule in harmony with the general trend of the world."

The commission is, therefore, of opinion that in view of this declaration from the Japanese Government, that Government might properly be asked to bring into force within a reasonable period measures providing for a substantial reduction both in the standard working-day in all industries and in the amount of overtime permitted.

The commission, therefore, proposes to apply to Japan the modified convention as set forth below, and at the same time desires to place on record its view that the provisions contained in the modified convention are to be regarded as transitional and temporary and as designed mainly to provide an intermediate step between the existing condition of Japanese industry and the condition which will ensue on the application of the main convention. The commission is of opinion that the conference might request the Japanese Government to take into consideration the possibility of applying the provisions of the main convention within a period of five years after the coming into effect of this modified convention.

It is clear to the commission that it is necessary to introduce differentiation into the treatment of Japanese industries. Coal mining, for example, might properly be brought at once within the scope of the main convention; raw silk, on the other hand, would appear to require a normal working week of 60 hours. All other industries, it seemed, might be operated on the basis of a 9½-hour daily maximum, or a 57-hour week. The commission also favors the reduction of the unit defined as a factory to 10 instead of (as at present) 15. These arrangements, together with the readjustments which will be necessary in consequence of acceptance by the Japanese Government of the Bern convention regarding the night work of women, of the principle of a weekly day of rest, will naturally cause some disturbance of existing conditions. The commission is of opinion that the most satisfactory way to deal with this is to allow a short delay in bringing the convention into effect.

These provisions, representing as they do considerable advance on present practice of Japan with regard to legislative principle, to the establishment of a normal working day and to the extent of overtime permitted, appear to the commission to provide a convenient and reasonable step between existing conditions and the condition which the Japanese Government desires to bring into being.

#### *Modifications of the Draft Convention.*

The modifications applicable to Japan shall be as follows:

1. The limitation of the hours of work shall apply to those industrial undertakings enumerated in—

Article 1 (a) of the draft convention.

Article 1 (b) of the draft convention, provided that there are 10 or more workers employed in the undertakings.

Article 1 (c) of the draft convention in so far as these undertakings are defined as "factories" according to the national law.

Article 1 (d) of the draft convention, excluding, however, the transport of passengers or goods by inland waterway and road and the handling of goods at docks, quays, wharves, and warehouses, and transport by hand.

The limitation of hours of work shall also apply, regardless of the number of persons employed, to such of the industrial undertakings enumerated in article 1 (b) and (c) as are declared by the competent authority to be either highly dangerous or to involve unhealthful processes.

The competent authority shall define the line of division which separates industry on the one side and commerce and agriculture on the other.



2. For workers under 15 years of age and miners engaged in underground work in the mines, the limit of 48 hours per week of actual work shall be applied.

3. For workers above 15 years of age, and workers engaged outside the mines, and in other industries the following limits shall apply: (a) in the raw silk industry, 60 actual working hours per week; (b) in other industrial undertakings, 57 actual working hours.

4. The provisions of articles 2, 3, and 4 of the main convention shall apply to Japan, with such modifications of the stated number of hours as may be necessary to bring them into conformity with the provisions of articles 2 and 3 of this modified convention.

5. Overtime shall be regulated in accordance with the provisions of the main convention.

6. The weekly rest period of 24 consecutive hours shall be applied to all classes of workers.

7. This modified convention shall be brought into force not later than July 1, 1922, except that the provisions of article 4 of the main convention shall be brought into force not later than July 1, 1923. The age of 15 mentioned in article 2 shall be raised to 16, not later than July 1, 1925.

## II. INDIA.

The commission has had the advantage of access to a good deal of the available information about Indian industrial conditions, by means of the official replies of the Indian Government and the statements of the delegates of the Government, the employers, and the workers. But it is clear that that information covers only a relatively small part of the ground, mainly for the reason that in India conditions do not approximate to anything which is known in the western world. The total number of persons in British India employed in organized industrial undertakings, such as factories, mines, and railways, constitutes an insignificant proportion of the whole population. Other industries are still almost universally on a small scale, and the predominant industry of India is agriculture.

At the same time it appears that such industries as exist in India, especially textiles and Government and private railway and engineering shops, are quite well organized. It is true that present Indian conditions are not such as to make easy in the immediate future either large scale factory production or the application of western standards in the restriction of working hours. Nevertheless, in the industries mentioned, something has already been done in both directions. India has had three factory laws, each law marking a substantial advance over its predecessor. The commission had had evidence that the laws have been well administered and are effective.

The factory law at present covers mainly textiles and certain branches of railway and engineering work, and applies only to establishments in which at least 50 persons are employed, though it is possible, by administrative order (which has often been brought into effect where abuses were suspected) to bring under the law establishments employing 20 persons.

The commission is of the opinion that the present conference can legislate usefully only with regard to large industrial undertakings, such as are already within the scope of the factory acts, and mines. With regard to these (i. e., all industries at present under the factory acts, mines, and certain branches of railway and iron works), the commission recommends that the Government of India should be asked to adopt the principle of a 60-hour week.

The commission, however, recommends that the conference lay before the Government of India a very urgent request that it should consider two important matters; first, the possibility of adopting a lower limit for underground work in mines, and secondly, the possibility of adopting, in the light of standards accepted in other countries, a modified definition of "factory," which would reduce the number of workers required to bring a factory under the scope of the act. The commission thinks that it should be possible at an early date to limit the hours of underground work in mines to 54,

or even lower; and recommends this step to the favorable consideration of the Government of India.

With regard to small industries, not coming under the provisions of the factory act, the Government of India might be requested to expedite as much as possible the collection of information and statistical data. And as, apart from this, the commission understands that inquiries were initiated several months ago relating to the amendment of the factory act with a view to bettering the conditions of labor, the Government of India might also be requested to communicate at the earliest possible date, and if possible before the next conference, to the International Labor Office the results of these inquiries and the proposals of the Government for carrying into effect the tendencies apparent in modern legislation.

The commission therefore recommends the conference to embody the substance of paragraph 4 of this report in the form of a convention, and to communicate to the Government of India the observations and requests of the remaining paragraphs.

## III. CHINA.

With regard to China the commission had not had as much information as it would desire. It, therefore, does not feel itself in a position to make far-reaching recommendations.

The delegate of the Chinese Government asked the commission to delay framing any recommendation on the subject of China for the time being. He pointed out that China is still very largely an undeveloped country, that there is very little use of modern machinery, and that the population is not industrialized. It is clear to the commission that there are certain special difficulties in China—the vast extent of the territory, the fact that the Chinese Government does not possess tariff autonomy, and the existence of foreign settlements and leased territories within the boundaries of China.

The commission recognizes that the existence of these conditions, combined with the fact that China has had no experience at all in factory legislation, makes it impossible for China immediately to conform to western standards.

At the same time, there exist within China some fairly well organized factories. The commission attaches great importance to the acceptance by the Chinese Government of the principle of the protection of labor by factory legislation. It further suggests that a beginning should be made as soon as possible in the framing and administration of such legislation with reference to such important industry as now exists.

The commission therefore proposes that China be asked to adhere to the principle of the protection of labor by factory legislation, and that, further, the Chinese Government be asked to report to the conference next year in what way it is prepared to apply that principle. It suggests for the consideration of the Chinese Government the possibility of adopting a convention embodying the principle of a 10-hour day or a 60-hour week for adult workers and an 8-hour day or a 48-hour week for employed persons under 15 years of age; and embodying also the principle of a weekly rest day. It suggests that all factories employing over 100 workers should come within the scope of the projected legislation.

In view of the special difficulties which the Chinese Government may experience from the existence, within the area of China, of foreign settlements and leased territories, the commission suggests that the conference should make the necessary representations to the Governments concerned (that is, to those Governments which at present exercise jurisdiction in these settlements and territories under treaties and engagements with China) to enforce in their territories within China the same restrictions as the Chinese Government has accepted; or, in the alternative, to decree that labor legislation adopted by the Government of China shall be enforced by that Government within those foreign settlements and territories where extraterritorial jurisdiction exists at present.



## IV. PERSIA AND SIAM.

The commission heard the statements of the delegates of these countries and reviewed the information in the replies of the Governments to the questionnaire of the Organizing Committee.

It is clear that industry in both countries, especially in Persia, is still at a relatively low level of organization. But the commission felt that it had not before it sufficiently exact information to enable it to frame any detailed proposals. It therefore recommends the conference to accept the following suggestions:

(1) That at the moment the convention can not be applied to either country.

(2) That the Governments of Persia and Siam be requested to accept the principle of the protection of labor by factory legislation; and

(3) That the competent authorities of Persia and Siam, in view of the provisions of the treaty of peace governing the International Labor Organization, be requested to collect information in the coming year and to submit it, together with their proposals for carrying into effect the principle enunciated in clause (2) above, to the next International Labor Conference.

## V. SOUTH AFRICA.

The three South African delegates were unanimous in stating that it was the intention of South Africa to support and conform to the main convention as at present drafted. They believed that no modifications would be required for the great part of South African industry. They felt, however, that it might be necessary temporarily to modify the maximum number of weekly hours in the case of a few industries, such as coal mining and sugar refining, in which a similar type of workman is employed as in the same industries in India and other eastern countries, and in which working hours are at present in excess of 48 hours per week. To some degree the same considerations arise in these industries as in the eastern countries which the committee had already examined, and in virtue of which the committee had accepted the view that for these countries some modifications of the main convention might properly be made.

The South African delegates, however, did not think it necessary at present to have any special modification of the convention made in favor of South Africa, more especially as it may be found possible to accept the convention without modification. In any case, the delegates stated that if any modification were required, the hours of work in the cases specified would not exceed 54 per week; and the modifications would not operate for a longer period than the corresponding modifications in the countries referred to.

The commission is of the opinion that, in the circumstances of South African industry, the view expressed by the South African delegation is reasonable. It therefore recommends the conference to make no modifications of the convention as regards South Africa at present, and to request the Government of South Africa to lay before the next conference a statement as to the modifications (if any), within the limits prescribed above, which it thinks it desirable to adopt.

## VI. TROPICAL AMERICA.

The commission had before it the statement of the representatives of Cuba, which has been circulated to the conference, and had evidence in support of this statement from the representatives of other countries of tropical America. All the delegates from these countries, representing the Governments, employers, and workers, were agreed that the main convention could be applied in these countries in respect of nearly all industrial occupations. They represented, however, that the one serious difficulty which confronted them was in the case of those industries which were very closely allied to agriculture.

In sugar plantations, for example, it appears to be necessary within 24 hours of the cutting of the cane so to prepare it that the process of deterioration, which sets in very rapidly, can be arrested. At this stage the cane undergoes a certain manufacturing and chemical process, and since the industry is seasonal and depends to a con-

siderable extent on temporary immigrant labor it would be impossible to bring this under the scope of the main convention.

Hence, in the view of the representatives of the countries of tropical America, the operations immediately necessary for arresting the deterioration of such agricultural products as are very perishable in their nature so as to render them fit for manufacture or storage might properly be regarded by the competent national authority, for the purpose of the application of the convention, as agricultural processes.

It appeared to the commission that since, under the terms of the main convention, the solution of this difficulty was entirely within the jurisdiction of the competent national authority, it was unnecessary for the commission to take any action on the matter. But in view of the desire of the representatives of the tropical American countries to have this matter brought before the conference the commission includes this section in its report.

(Signed) G. N. BARNES, *Chairman*.  
H. J. W. HETHERINGTON, *Secretary*.

## MINORITY REPORT PRESENTED BY MR. SHICHIRO MUTO, SUBSTITUTE FOR UHEI MASUMOTO, LABOR DELEGATE OF JAPAN.

As the representative of the Japanese labor delegation, I submitted for your consideration our proposition that Japan should not be considered a country coming under article 405 of the peace treaty with special conditions. My proposition was defeated.

My protest against the exception of Japan from the general application of the convention was defeated in spite of my presentation of the following facts and arguments. I beg to submit the following as a minority report for discussion by the full conference:

1. Climatically speaking, Japan is not a tropical country, but is similar to Italy, Spain, and the United States. As ably presented by Prof. Huntington of Harvard University in his "Civilization and Climate," Japan lies in a zone favorable to her industrial and cultural activities, not unlike North America and Europe.

2. Although Japanese industry is said to be in its infant stage, its progress in the past 50 years is an enviable commentary on its tremendous ability and development. Especially in view of the enormous progress made during the Great War, Japan is industrially the peer of Italy and Spain, if not of Great Britain and the United States of America.

3. Although family industry still prevails, it is being transformed with great rapidity into the industrial condition of modern factories. In the course of one year, 1916-17, there was an enormous increase of 230,000 factory workers. Besides, the competitive character of Japanese manufacturing industry is widely recognized by Occidental countries.

4. In regions around Osaka, the Manchester of Japan, there is an increasing number of Japanese factories adopting the 8-hour day regulation as a basic principle. The rapid adoption by European countries of the 8-hour law since the armistice runs parallel to this singular phenomenon in Japan.

5. The opposition of Japanese employers to the general application of the principle in question is due to their desire to retain their advantageous position, which, having been secured through the exploitation of workers, stands in the way of raising the status of our workers and, though the employers do not recognize this, of raising their productive efficiency.

6. The opposition of the Japanese Government to our legitimate demands is due to its desire to protect these employers at the expense of the workers, who have no voice in the determination of their industrial conditions. The repressive measures heretofore adopted by the Government are unjust, unreasonable, and partial. Long hours and low wages can no longer be the weapon of our employers. The factory act of Japan is a sad reflection of the pressure brought to bear by the employers upon the Government.

7. It is said that Japanese laborers lack the necessary efficiency. The real reason for this lack of efficiency lies in the fact that the



Japanese laborers have been compelled to work prolonged, tiresome hours, with no hope of ever obtaining any rest whereby their exhausted energies could be replenished.

8. The Government and employers claim that a sudden change in working hours of laborers will be injurious to industry and labor. But I firmly maintain that the general application of the basic principle of the 8-hour day is the desire of all the industrial workers of Japan. This desire of the workers is firmly supported by public opinion in Japan. It can neither be unprofitable nor detrimental to bring about such a change in industry as will allow rest and recreation to enervated workers. Inasmuch as labor in Japan is mercilessly exploited by the employers, this change should be welcome to those who really have at heart the promotion of justice and humanity in industry as the goal of human society.

SHICHIRO MUTO.

**SUPPLEMENTARY REPORT OF THE COMMISSION ON THE APPLICATION OF THE HOURS-OF-WORK CONVENTION TO SPECIAL COUNTRIES, AS PROVIDED IN ARTICLE 405 OF THE TREATY OF PEACE.**

In its previous report the commission was unable to take up the requests of the delegates of the Governments of Greece and Roumania that a delay should be granted in the application of the convention on hours of work to these countries.

The commission has now had an opportunity to consider the matter, and has heard and read the statements of the delegates of these countries. It now presents the following report:

GREECE.

The conditions which appear to the delegates of the Greek Government to make it desirable that some delay in the application of the convention to Greece should be allowed are:

(1) The relatively undeveloped state of Greek industry, its lack of modern appliances, and, therefore, its relatively low productivity;

(2) The devastation by fire of Saloniki, which is one of the most important industrial areas of Greece, and the general disturbance of Greek economic development during the Balkan and European wars; and

(3) The fact that considerable new areas of territory have been brought under the jurisdiction of the Greek Government, so that it will take some time to organize, not only industry, but efficient administrative services in these new regions.

The last argument appeared to the commission to have considerable cogency. By 12 votes to 4 it was decided that the Greek Government had established a case for some measure of exceptional treatment. The commission had the less hesitation in coming to this conclusion, since the delay which was asked for was not long, and the Greek Government has undertaken to apply progressively the terms of the convention within the period of grace in such stages as it is possible for them to do so.

The Greek Government representatives submitted in their statement the attached classification of the industries of their country in the order of the severity of their demands upon the workers. It was understood by the commission that in respect to industries in Schedule A of this classification, the terms of the main convention were already being applied.

The commission, therefore, resolved to recommend that the conference grant a delay of two years after the date on which the convention comes into general operation, in respect to the industries mentioned in Schedule B of the classification, and a delay of three years in the industries mentioned in Schedule C.

SCHEDULE OF INDUSTRIES.

A. INDUSTRIES VERY UNHYGIENIC AND LABORIOUS.

- (1) Underground mining.
- (2) Lead and arsenic metallurgy.
- (3) Manufacture of explosives.
- (4) Loading and unloading coal.

B. INDUSTRIES ORDINARILY UNHYGIENIC AND LABORIOUS.

- (1) Carbon bisulphide works.
- (2) Acids works.
- (3) Tanneries.
- (4) Paper mills.
- (5) Printing.
- (6) Sawmills.
- (7) Warehouses for the handling and preparation of tobacco.
- (8) Surface mining.
- (9) Foundries.
- (10) Lime works.
- (11) Dye works.
- (12) Glass works (blowers).
- (13) Gas works (firemen).
- (14) Washerics (coke, mineral, etc.)
- (15) Loading and unloading merchandise.

C. ORDINARY INDUSTRIES.

(1) Mechanical industries: Machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus.

(2) Constructional industries: Lime kilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work.

(3) Textile industries: Spinning and weaving mills of all kinds, except dye works.

(4) Food industries: Flour and grist mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughterhouses and butcher shops.

(5) Chemical industries: Manufactories of synthetic colors, glass works (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gas works (except the firemen.)

(6) Leather industries: Shoe factories, manufactories of leather goods.

(7) Paper and printing industries: Manufactories of envelopes, record books, boxes, bags, bookbinding, lithographing and zinc-engraving shops.

(8) Clothing industries: Clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers and trimmings, hat and umbrella factories.

(9) Woodworking industries: Joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories.

(10) Electrical industries: Power houses, shops for electrical installations.

(11) Transportation by land: Employees on railroads and street cars, firemen, drivers, and carters.

ROUMANIA.

The considerations which moved the representatives of the Government of Roumania to ask for a delay of three years were of the same character as those which had been presented in the case of Greece. In Roumania, moreover, the demobilization of the army was still incomplete, and during the retreat of the Roumanian army and in the enemy occupation of Roumanian territory the greater part of the machinery of the country was removed. The Roumanian delegates indicated that the manufacturing countries of Europe had informed Roumanian manufacturers that many months must necessarily elapse before they could deliver sufficient machinery to replace that which had been destroyed and removed in the course of the war.

Under those conditions it was the almost unanimous view of the commission (one member only dissenting) that a delay should be granted to Roumania. It, therefore, recommends that the conference accede to the request of the Government delegates of Roumania that the convention should come into operation in Roumania at a date not more than three years later than that on which it comes into effect in other countries.

(Signed)

G. N. BARNES, *Chairman*.

H. J. W. HETHERINGTON, *Secretary*.

**COMMISSION ON UNEMPLOYMENT.**

Chairman, Mr. Max Lazard (France).

Government delegates: Mr. F. A. Acland (Canada), substitute for Hon. G. D. Robertson; Mr. C. V. Bramsnaes (Denmark); Dr. G. di Palma Castiglione (Italy); Mr. Armand Julin (Belgium), substitute for Mr. Michel Lévie; Viscount de Eza (Spain); Mr. Thomas Fer-



nandes (Portugal), substitute for Mr. Barbosa; Mr. Max Lazard (France); Mr. J. F. G. Price (Great Britain); substitute for Right Hon. G. N. Barnes; Mr. John Sofianopoulos (Greece); Mr. Franciszek Sokal (Poland).

Employers' delegates: Mr. H. Blomjous (Netherlands), substitute for Mr. J. A. E. Verkade; Mr. E. Baroni (Italy); Mr. Louis Guérin (France); Dr. Shogo Hasegawa (Italy), substitute for Mr. Sanji Muto; Mr. Antoine Kriz (Czecho-Slovakia), substitute for Mr. Hodacz; Mr. G. Paus (Norway); Mr. E. Blake Robertson (Canada), substitute for Mr. S. R. Parsons; Mr. A. J. C. Ross (Great Britain), substitute for Mr. D. S. Marjoribanks; Mr. H. Vestesen (Denmark); Mr. J. Zagleniczny (Poland).

Workers' delegates: Mr. Gino Baldesi (Italy); Mr. M. Domae (Japan), substitute for Mr. U. Masumoto; Mr. P. M. Draper (Canada), provisional substitute for Mr. Gompers (United States); Mr. G. Dumoulin (France), substitute for Mr. Léon Jouhaux; Mr. C. F. Madson (Denmark); Mr. P. Serrarens (Netherlands), substitute for Mr. Jan Oudegeest; Mr. J. Sexton (Great Britain), substitute for Mr. G. H. Stuart-Bunning; Mr. G. Solau (Belgium), substitute for Mr. C. Mertens; Mr. R. Tayerle (Czecho-Slovakia); Mr. J. Teigen (Norway).

Secretary, Dr. W. A. Riddell (Canada).

#### REPORT OF THE COMMISSION ON UNEMPLOYMENT.

On November 3 the International Labor Conference referred to a commission of 30 members the consideration of the second question on the agenda of the conference, viz: "Preventing or providing against unemployment."

The conference also referred to this commission the investigation of the following motion, submitted by Mr. Baldesi:

"Whereas the supreme council of the allied and associated powers decided, in the resolution dated August 29, 1919, to refer the resolution of the labor commission, dated June 4, 1919, to the international conference at Washington;

"Whereas the organizing committee of the conference has not been able to present a report on the question concerned;

"The international conference decides to appoint a commission of seven members to study and report on the subject of the principle of equality of treatment on a reciprocal basis of foreign and native workers."

In view of the magnitude and complexity of the questions which it had to investigate, the commission, on the motion of one of its members, Mr. di Palma Castiglioni, was divided into three sub-commissions, and the subjects under investigation, especially the proposals contained in the report of the organizing committee, were distributed as follows:

*First subcommittee*—Questions relating to systematic observation and prevention of unemployment.

*Second subcommittee*.—Questions relating to protection of the unemployed, notably by the organization of employment and insurance offices or exchanges.

*Third subcommittee*.—Questions relating to the problem of migration in connection with the question of unemployment.

Mr. Max Lazard, who was elected chairman of the commission, was also appointed chairman of the first subcommittee.

Mr. J. F. G. Price (representing the Right Hon. G. N. Barnes, M. P.), was elected chairman of the second subcommittee, and the Viscount de Eza, chairman of the third.

The conclusions arrived at in each of these subcommittees have been again considered, amended, and finally adopted with practical unanimity by the commission sitting in full meeting.

As the result of these discussions, the commission has the honor to present the following proposals to the conference:

1. A draft convention divided into three articles, dealing, respectively, with statistics, employment, and reciprocity in the question of insurance against unemployment.

2. A draft recommendation consisting of four articles, two of which relate to the employment of workers, one to insurance against unemployment, and one to public works.

3. Four resolutions addressed to the governing body of the International Labor Office.

4. A draft convention on reciprocity in the treatment of foreign workers in all matters relating to the protection of labor.

This second draft convention is the result of investigations made by the commission on the subject of the motion submitted by Mr. Baldesi. As it has reference to an entirely different question from that of preventing or providing against unemployment, it should not be confused with the first-mentioned draft convention. Strictly, it might have been regarded as desirable to devote a separate report to the subject, but the commission considered it better to give, in a single document, a complete view of all the proposals which it wished to submit to the plenary conference.

The text of these four drafts is reproduced below in the order in which these drafts are enumerated above. In the commentary which we consider it our duty to present to the conference, it seems preferable to unite these various proposals, not according to their legal character, but according to the subject with which they are connected. Thus in the following six chapters there are briefly considered the questions of—

1. The collection and publication of information.
2. Employment exchanges.
3. Insurance against unemployment.
4. The distribution of public works.
5. Protection for unemployed foreign workers.
6. Reciprocity in the treatment of foreign workers.

#### CHAPTER I.

##### COLLECTION AND PUBLICATION OF INFORMATION.

Under this heading the commission submits a draft convention and a draft resolution respectively worded as follows:

##### DRAFT CONVENTION NO. 1.

All information concerning unemployment, including all available statistics and information on measures taken or to be taken to reduce unemployment to a minimum, shall be communicated by the States having ratified or acceded to this convention to the International Labor Office, at intervals as short as possible and not exceeding three months. The information, when practically available, shall be furnished to the International Labor Office within three months after the end of the period to which it relates.

##### DRAFT RESOLUTION NO. 1.

*Resolved*, That the governing body of the International Labor Office be invited to form an international commission empowered to formulate recommendations upon the best methods to be adopted in each State for collecting and publishing all information relative to the problem of unemployment, in such form and for such periods of time as may be internationally comparable.

So far as agricultural unemployment is particularly concerned the International Labor Office shall come to an understanding with the International Institute of Agriculture at Rome, in order that the latter may regularly transmit the information collected by the Institute relative to the aforesaid unemployment.

##### COMMENTS.

The two texts quoted above require only brief comment. They were both adopted unanimously. In regard to the draft convention, the chief concern of the members of the commission was that the information should be made available as soon as possible. The commission does not believe that it will suffice for a State simply to send the information it has obtained to the International Labor Office; it believes that an effort must be made to expedite the collection and forwarding of such information. Hence the provision in the last paragraph of the draft convention.

With regard to the draft resolution, and also to the draft convention, various members wished to specify further the nature of the information to be obtained. The following subjects were considered:

- (a) Supply and demand with regard to the various classes of merchandise.
- (b) Data as to general economic activity.
- (c) Movement of migrations.



The commission was of the opinion that it would be better not to specify particular subjects at the present time, and to refer to the international commission, the organization of which is requested, the question of specifying the necessary information to be obtained. The only point on which the commission offers any directions to the international commission is that of the relations to be established between the International Labor Office and the International Institute of Agriculture at Rome, in regard to agricultural unemployment.

## CHAPTER II.

### EMPLOYMENT EXCHANGES.

The proposals submitted are a draft convention and two draft recommendations.

#### DRAFT CONVENTION NO. 2.

The States ratifying the present convention or acceding thereto shall establish in their respective countries a system of free public employment agencies under the control of a central authority. Committees which shall include representatives of employers and representatives of the workers shall be appointed to advise on matters concerning the carrying on of the work of such agencies. In States where both public and private free employment agencies engage in the work of finding employment for the unemployed, such States shall take measures to coordinate the operations of any or all such agencies on a national scale. The operation of the several national systems shall be coordinated by the International Labor Office in agreement with the States concerned.

#### DRAFT RECOMMENDATION NO. 1.

The International Labor Conference recommends that each State member of the permanent organization take measures to prohibit the establishment of employment agencies which charge fees or which carry on the business of an employment agency for profit. As regards the States in which agencies of this nature already exist, the conference recommends:

That these agencies shall operate only under licenses granted by the State, and that all practicable measures shall be taken to abolish such agencies as soon as possible.

#### DRAFT RECOMMENDATION NO. 2.

The International Labor Conference recommends to the States members of the permanent organization that the recruiting of bodies of workers in one of these States with a view to their employment in another such State should not be permitted except by mutual agreement between the countries interested and after consultation with employers and workers in each country in the industries concerned.

#### COMMENTS.

The draft convention, which closely follows a practice which has been in operation in many countries for several years in connection with finding employment for workers, does not call for any remarks. As regards the first draft recommendation, it is without doubt well to point out that the wording adopted is in no wise directed at the newspapers or journals which print in their advertising columns notices of situations vacant or situations wanted. If the wording adopted should be insufficiently clear in this respect, it would be desirable for the editorial committee to correct it.

A recommendation proposing to grant to workers, placed in situations at a distance from their homes by the public employment exchanges, the right to travel at reduced rates, a recommendation which was proposed by subcommittee No. 2, was not accepted, as it did not appear to be a matter of a nature which would warrant making any representations to the different States.

It is interesting to point out that the three texts referring to employment agencies, including the version of the second recommendation, were unanimously agreed upon by the members present. An illuminating discussion permitted a conciliation of the different points of view of those countries which in general offer labor and those which in general call for it.

## CHAPTER III.

### INSURANCE AGAINST UNEMPLOYMENT.

The proposals made are a draft convention, a draft recommendation, and a draft resolution.

#### DRAFT CONVENTION NO. 3.

The States ratifying the present convention or acceding thereto which have established systems of unemployment insurance shall, upon terms being agreed between the States concerned, make arrangements whereby workers belonging to one such State and employed in another such State shall be admitted to the same rates of benefit of such insurance as those established for the workers of the latter State.

#### DRAFT RECOMMENDATION NO. 3.

The conference recommends, as a method of dealing with unemployment, that each State member of the permanent organization shall take steps to establish an effective system of unemployment insurance, either through a system operated by the State or through a system of subventions or grants by the State to associations whose rules provide for the payment of benefits to unemployed workers who are members of such associations.

#### DRAFT RESOLUTION NO. 2.

*Resolved*, That the question of embodying a provision to the effect of the above recommendation in a convention on unemployment be placed on the agenda of the next meeting of the conference.

#### COMMENTS.

It will be seen that the draft convention deals with only one of the aspects of the insurance problem, viz, the question of securing a certain reciprocity of treatment for the benefit of workers who are the subjects of one State but working in another State, both of which States have established unemployment insurance in one form or another.

In the final version adopted, the commission sought to conciliate two ideas to which various members adhered in equal measure. On one hand, the idea that no unjustifiable discrimination ought to be practiced toward foreign workers with regard to unemployment insurance, and on the other hand, the idea that the details of the system to be established should be fixed by the States concerned by means of special conventions. The version presented was unanimously adopted by the commission. This fact is all the more interesting to point out, as strong opposition was at first manifested by some representatives, who feared that the commission would accept no difference in treatment between foreign and native workers. The wording finally adopted would appear to afford a solution of a problem, not the least difficult of those with which the commission had to deal.

The draft recommendation views the problem of unemployment insurance in its general aspect. The commission was almost unanimous in thinking that it was necessary, without loss of time, to take measures tending to hasten, in all the chief industrial countries, the introduction of an effective system of unemployment insurance. As, on the other hand, it did not seem possible at the present moment to choose between the English system and the type known as the Ghent system, the commission did not consider that it could go further than a draft recommendation that one or other of these systems should be adopted.

It was decided, however, that the subject ought not to be lost sight of and that it was important to arrive as quickly as possible at a system of international obligations. For these reasons it was considered desirable to bring to the notice of the conference the possibility of changing the aforesaid recommendation into a convention. That would be the task of a later session of the conference, which would be better informed on the respective advantages of the two systems, since, as a result of the recommendation here presented, they would already have given rise to a wider application in the various States.

The commission desires to point out that the delegations from Argentina, Norway, and Sweden, which had no representative on the commission, have offered interesting suggestions which were found to coincide with the views of the commission itself.

## CHAPTER IV.

### WORK UNDERTAKEN FOR PUBLIC AUTHORITIES.

The proposal which the commission presents under this heading is a recommendation thus drawn up:

#### DRAFT RECOMMENDATION NO. 4.

The International Labor Conference recommends that each State member of the permanent organization adopt measures with a view to coordinating the execution of work undertaken by or on behalf of the States and by public authorities, with a view to reserving as far as practicable the work in question for periods of unemployment and for the districts particularly affected by such unemployment.



## COMMENTS.

It will be noticed that this recommendation merely suggests some difference in wording from the similar recommendation presented by the Organizing Committee. The principle involved was unanimously approved and the commission only sought to bring out the meaning more exactly than was done in the original draft.

As regards the above recommendation, the reporter considers it necessary to point out the considerable effort which the first subcommittee made to arrive more definitely at the causes of unemployment and to find other preventive measures to oppose to it. No idea expressed by any member of the committee was rejected *a priori*.

One of the members of the committee, Mr. Baldesi, supported by Mr. Baroni, particularly emphasized the necessity of obtaining a better distribution of raw materials and a regulation of the ocean freight rates applied to these materials. Mr. Baldesi, recognizing that the International Labor Conference could not take cognizance of the question, requested that it should be pointed out to the executive council of the League of Nations. The committee did not consider that it could follow Mr. Baldesi on this ground, and he has accordingly presented a minority report on the subject to the conference.

Further proposals were made by several members of the committee in relation to measures which it was suggested might be taken with a view to preventing unemployment. As, however, no definite recommendation could be formulated on these proposals it is not considered necessary to refer to them in detail.

Altogether, the first subcommittee was brought to the conclusion that it was particularly difficult, taking into account the deep and complex causes of the phenomenon of unemployment, to find preventive remedies therefor. It is all the more important to pursue and to intensify the scientific study of the phenomenon, and we can not exaggerate the importance of the task which will be incumbent in this direction upon the International Labor Office if the draft convention proposed on this question by the commission is finally ratified by the various Governments.

## CHAPTER V.

## PROTECTION OF UNEMPLOYED FOREIGN WORKERS.

The proposals submitted for the approval of the conference are the following:

## DRAFT RESOLUTION NO. 3.

*It is resolved* That, in connection with the problem of unemployment, a special section shall be created in the International Labor Office, to be specially charged with the consideration of all questions concerning the migration of workers and the condition of foreign wage earners.

## DRAFT RESOLUTION NO. 4.

*It is resolved* That the governing body of the International Labor Office shall appoint an international commission, which, while giving due regard to the sovereign rights of each State, shall consider and report what measures can be adopted to regulate the migration of workers out of their own States and to protect the interests of wage earners residing in States other than their own, such commission to present its report at the meeting of the International Labor Conference in 1920.

## COMMENTS.

The proposals presented to the International Conference follow rather closely, as will be seen, the one which the Organizing Committee has prepared. The only difference is that the resolution concerning the creation of an international commission is formulated in rather more precise terms than the original resolution, and that a second resolution is taken calling for the immediate creation of a special section to take in hand all questions that concern the migration of workers in relation to unemployment.

The reporter must point out the important discussions which took place on this subject within the third subcommittee. The subcommittee was of opinion that a recommendation might now be formulated tending to invest the International Labor Office with

certain missions of a practical nature for the protection of workers on the point of going in search of work in another country than their own. It seemed particularly desirable to the subcommittee that the International Labor Office should be charged, by the common consent of the States interested, with assuring the protection of emigrants in cases where the latter do not enjoy effective national protection.

The needs of the situation seem to demand that persons desirous of emigrating shall be informed impartially and honestly of the existing laws and regulations as regards immigration in the countries to which these persons desire to repair; that they shall be informed of the situation of the labor market in these countries; and that they shall be helped to avoid useless and dangerous changes of residence.

Likewise in countries of transit the emigrants of certain nationalities are left without any protection and it would seem extremely desirable, both in their own interests and in those of the country through which they pass, that they should enjoy a certain amount of supervision and at the same time a certain protection.

Finally, in the countries of immigration it would appear to be equitable to do away with the difference in treatment which exists between foreigners belonging to a country which has well-organized consular protection and those who do not enjoy such protection. Here again, the intervention of a representative of an international system might be justified and would seem perfectly compatible with the legitimate susceptibilities of the different States.

The commission did not consider that it could at present formulate precise recommendations on these lines. It would desire, however, that the International Conference, by approving the present report, should point out the importance of this kind of question to the international commission whose creation is requested.

The Greek Government delegate likewise obtained the commission's approval of a desire similar to the suggestions indicated above and tending to require the proposed section of the International Labor Office to study not only the question of the regulation of migration but also all the measures necessary for assuring effective protection to emigrants and for sheltering them from the numerous forms of exploitation, such as the "padrone" system or the white-slave trade, to which they are only too frequently exposed.

## CHAPTER VI.

## RECIPROCITY OF TREATMENT OF FOREIGN WORKERS.

The commission makes the following proposal in regard to the question raised by the motion of Mr. Baldesi:

## DRAFT CONVENTION NO. 4.

The States ratifying this convention or acceding to it shall reciprocally admit to the benefits of the laws and regulations having regard to labor protection, as well as the right of lawful organization, the workers belonging to one of these States and employed in another, together with their families.

## COMMENTS.

It will be seen that the commission submits a draft convention on this difficult question of the reciprocity of workers' rights. On the final division only one vote was cast in opposition to this draft. In other words, the commission was practically unanimous that on the basis of reciprocity, foreign workers should enjoy the same protection as native workers.

It is probable that, with the gradual progress which may be anticipated, wider and wider application will be made of articles 23, paragraph (a) and 427, paragraph (c) of the Versailles treaty. The commission recommends that the conference now adopt the draft convention on reciprocity of treatment, a draft which the reporters take occasion to recall, roused no opposition in the commission that could not be overcome. If this draft convention receives the necessary majority, notable progress toward the ideal upheld by the establishment of a permanent labor organization will certainly have been accomplished.



The draft conventions, recommendations, and resolutions submitted in conformity to the above report to the plenary conference are reproduced hereunder, classified according to their legal character.

(Signed) MAX LAZARD,  
*Chairman.*

#### APPENDIX A.

### I. DRAFT CONVENTION ON UNEMPLOYMENT.

#### ARTICLE 1.

All information concerning unemployment, including all available statistics and information on measures taken or to be taken to reduce unemployment to a minimum, shall be communicated by the States having ratified or acceded to this convention to the International Labor Office, at intervals as short as possible and not exceeding three months. The information where practically available shall be furnished to the International Labor Office within three months from the end of the period to which it relates.

#### ARTICLE 2.

The States ratifying this convention or acceding thereto shall establish, in their respective countries, a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and representatives of workers, shall be appointed to advise on matters concerning the carrying on of these agencies. In States in which both public and private free employment agencies engage in the work of finding employment for the unemployed, such States shall take steps to coordinate the operations of any or all such agencies on a national scale.

The operation of the various national systems shall be coordinated by the International Labor Office, in agreement with the States concerned.

#### ARTICLE 3.

The States ratifying this convention or acceding thereto which have established systems of insurance against unemployment shall, upon terms being agreed upon between the States concerned, make arrangements whereby workers belonging to one such State and working in another such State shall be admitted to the same rates of benefit of such insurance as those established for the workers of the latter State.

### II. DRAFT RECOMMENDATIONS.

I. The International Labor Conference recommends that each State which is a member of the permanent organization take measures to prohibit the establishment of employment agencies which charge fees or which carry on the business of an employment agency for profit. In States where such agencies already exist the conference recommends that such agencies shall operate only under licenses granted by the State, and that all practicable measures shall be taken to abolish such agencies as soon as possible.

II. The International Labor Conference recommends to the States members of the permanent organization that the recruiting of bodies of workers in one of these States with a view to their employment in another such State should not be permitted except by mutual agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned.

III. The conference recommends, as a method of dealing with unemployment, that each State member of the permanent organization shall take steps to establish an effective system of unemployment insurance, either through a system worked by the State or through a system of subventions or grants by the State to associations, the rules of which provide for the payment of benefits to unemployed workers who are members of such associations.

IV. The International Labor Conference recommends that each State member of the permanent organization shall take measures with a view to coordinating the execution of work undertaken by or on behalf of the States and by public authorities with a view to reserving as far as practicable the work in question for periods of unemployment and for districts most affected by such unemployment.

### III. DRAFT RESOLUTIONS.

I. Resolved that the governing body of the International Labor Office be invited to form an international commission empowered to formulate recommendations upon the best methods to be adopted in each State for collecting and publishing all information relative to the problem of unemployment, in such form and for such periods of time as may be internationally comparable.

So far as agricultural unemployment is particularly concerned, the International Labor Office shall come to an understanding with the International Institute of Agriculture at Rome, in order that the latter may regularly transmit the information collected by the institute relative to the aforesaid unemployment.

II. Resolved that the question of embodying a provision to the effect of Recommendation No. 3 in a convention on unemployment be placed upon the agenda for the next session of the conference.

III. Resolved that in connection with the problem of unemployment, a special section of the International Labor Office shall be established to be especially charged with the consideration of all questions concerning the migration of workers and the situation of foreign wage earners.

IV. Resolved that the governing body of the International Labor Office shall appoint an international commission, which, while giving due regard to the sovereign rights of each State, shall consider and report what measures can be adopted to regulate the migration of workers out of their own States and to protect the interests of wage earners residing in a State other than their own, such commission to present its report at the meeting of the International Conference in 1920.

#### APPENDIX B.

### DRAFT CONVENTION ON RECIPROCITY OF TREATMENT OF FOREIGN WORKERS.

The States ratifying this convention or acceding to it shall reciprocally admit to the benefit of the laws and regulations having regard to labor protection, as well as the right of lawful organization, the workers belonging to one of these States and employed in another, together with their families.

### MINORITY REPORT ON THE MOTION OFFERED BY MR. BALDESI, ITALIAN WORKERS' DELEGATE, RELATIVE TO THE EQUITABLE DISTRIBUTION OF RAW MATERIALS AS A MEANS OF PREVENTING UNEMPLOYMENT.

Your subcommittee appointed to study the means of preventing or reducing industrial unemployment decided against Mr. Baldesi's motion that, as the lack of raw materials for industry is a frequent and important cause of unemployment, the League of Nations should be asked to study the question of their equitable distribution. The subcommittee decided by a majority vote that it was not competent to express an opinion on such a subject, on the ground that it was not authorized to deal with economic problems that have a political character.

The minority can not accept this view of the case, nor does it accept the opinion likewise expressed that no practical steps can be taken to improve the distribution of raw materials between the several countries. The minority therefore wishes to place its views before the conference.

There has been much talk, the world over, about after-war industrial reconstruction as affording a means of avoiding in the future



the drawbacks experienced in the past, drawbacks due, in no small measure, to the varying degree of development attained in the several countries, but to a yet greater degree to natural inequalities by which some countries possess great wealth in the form of mineral and other natural resources while other countries are entirely devoid of these.

Before the war we witnessed periodical crises due to overproduction, entailing great distress among the working classes, despite the abundance of products. Since the war we have experienced in certain countries the opposite phenomenon of underproduction due to scarcity of the raw materials of industry, leading to like results, i. e., serious unemployment accompanied by distress (somewhat alleviated by relief measures taken by Governments, municipalities, and by private and cooperative efforts) consequent on the closing down of factories or a reduction in the number of hands they employ.

For this reason the minority considers it of great importance that the League of Nations be asked to study the question of the proper distribution of raw materials so as to avoid the complete economic subjection of some countries to others which possess those raw materials.

The minority is well aware that such a question can not be easily solved; it demands the most thorough and careful study before steps be taken which, if unsuccessful, would prejudice the case, as ill-advised practical action would be used as a reason for ruling out all further action in that direction, no matter how sound the case for such further action might be. For this reason the minority asks the conference to call the attention of the League of Nations to the whole subject, so that the necessary studies may be made.

The majority on the subcommittee was of opinion that those countries which possess the raw materials under consideration might resent any such suggestion, on the ground that it would interfere with their absolute right to dispose freely of what belongs to them. We might reply to this objection that labor also may be considered as doubly entitled to respect, as being doubly the property, first, of the laborer himself and, secondly, of the country to which he belongs. Yet this has not prevented the countries here represented from desiring to see some international regulation of the conditions of human labor, without feeling that in so doing they are in any sense humiliated or that their rights are thereby infringed on. Moreover, it should be borne in mind that countries may yet possess undiscovered resources, and that methods may be discovered which will confer value on raw materials hitherto disregarded even by those who owned them, and which would then place in the hands of those countries a means of turning the tables. The case of sulphurous iron ore, which has become of value since the application of the Martin furnaces, illustrates the changes which time may bring about in the valuation of the mineral wealth of a country, and it justifies the conclusion that those who now possess in abundance the raw materials which the world needs should not feel certain that a time may not come when they in their turn will stand in need of products which they do not possess, and that they may not thus be led to regret the adoption of a narrowly selfish policy in this matter.

On the other hand, it is generally recognized that we now have to face problems which can not be solved by simply returning to prewar conditions, but which call for bold innovations, and it can safely be said that there is no greater social danger than that of turning a deaf ear to such claims and rejecting those innovations which present conditions call for.

Broadly speaking, we have on the one hand countries possessing vast quantities of raw materials awaiting the work of man to convert them to profitable use, and on the other hand we have nations with abundant supplies of labor anxiously seeking for those same raw materials in order to render them of value to themselves and others.

Should this abundant labor be forced to emigrate to those countries where the raw materials are to be found? Or would it not be

more just and more humane to make such raw material available in those countries where labor abounds? If it is true that men should be afforded the opportunity to avoid the sorrows of exile from their native countries, and that they are better and more valuable citizens the more they are attached to the land of their birth, where they have grown from childhood to man's estate, then the answer can not be doubtful.

If this point of view meets with the approval of the majority of the delegates to this conference, then the conclusion arrived at by the majority of the subcommittee to call the attention of the League of Nations to the proper distribution of the raw materials of industry as a means of preventing unemployment, should be adopted.

\* In this connection the minority would also draw the attention of the conference to the importance of the question of ocean carriage of such raw materials, for excessively high and more especially fluctuating ocean freight rates are a leading cause of artificially high prices and speculation in raw material. Here again is a great and important question properly deserving the attention and study of the League of Nations.

The importance of this factor of ocean carriage in determining the price of the staples was powerfully pointed out by David Lubin, the founder of the International Institute of Agriculture in Rome and delegate of the United States to that institute. He brought the matter to the attention of the American Senate and House of Representatives, which, after giving several hearings on the matter and after full discussion in the House, adopted a resolution calling on the International Institute of Agriculture in Rome to take the initiative in calling for an international conference to consider the advisability of formulating a convention for the establishment of a permanent international commerce commission on merchant marine and upon rates for the transport of goods with advisory and investigatory powers.

Upon this subject the minority desires to call the attention of the conference to the following statements which were made in the House of Representatives of the United States in the course of a discussion upon this question (Cong. Rec., Sept. 1, 1914, p. 14571). On that occasion one of the members taking part in the debate, Mr. Alexander, chairman of the Committee on Merchant Marine and Fisheries, made the following statement: "Mr. Lubin contends, and with great force, that in order to steady the world's price of the staples it is necessary to stabilize the freight rates on the staples, and that this can not be done until the ocean freight rate on the commodity from the seaboard to the point of delivery in Europe or South America or elsewhere in our oversea trade is known with reasonable certainty. \* \* \*

"It is an international problem which can only be solved by international agreement." Now here is what Congressman Norton says on the same subject (Cong. Rec., Sept. 1, 1914, p. 14575):

"\* \* \* For all ocean rates for bulk products under the present methods and under present shipping practice are subject to wide variations without notice to the shipper from day to day and even from hour to hour. \* \* \* The fact that ocean carriage on staple farm products can be raised or lowered at a moment's notice, and at the whim and will of the shipping rings and combinations, leaves room for tremendous gambling operations on grain prices and levies each year heavy tolls on both the producer and the consumer. \* \* \* Because this condition prevails the federated shipping interests and other gamblers in the price of the staples, the value of which is estimated to be a hundred billion dollars a year, and which represents the foodstuffs and raw materials for clothing and household furnishings of all the people of all the world, hold the power to dictate at will the rise and fall in the price of the world's agricultural products."

It is for the reasons stated above that the minority proposes (it being granted that the lack of raw materials necessary to industry is in many countries the principal cause of unemployment, while in other countries which produce such raw materials unemployment is caused by an excess of production) that the conference call the



attention of the League of Nations to the importance which a just distribution of raw materials bears to the prevention of unemployment and the opportunity which is presented for establishing a permanent commission to assure such a just distribution among the different countries in accordance with their present and future industrial needs.

It having also been shown that the irregularity and fluctuation of the rates of ocean carriage encourage speculation and manipulation of prices, the minority proposes also that the conference draw the attention of the League of Nations to the proposal made by the United States Congress in resolution No. 311 of the month of September, 1914, which recommends as opportune the establishment of a permanent international commission with advisory powers for the regulation of ocean freight rates.

(Signed) GINO BALDESI,  
*Reporter for the minority.*

#### CONCLUSIONS OF THE ORGANIZING COMMITTEE WITH REGARD TO THE SECOND POINT ON THE AGENDA OF THE CONFERENCE.<sup>1</sup>

In view of the information summarized in the above report and of the expressed opinions of the Governments, the organizing committee has arrived at the following conclusions:

Information in regard to unemployment should be collected and distributed on an international scale, since the information at present available is not adequate.

Thus, \* \* \* attention has been called to the fact that the figures giving the percentage of unemployed in the trade unions of certain countries are not comparable. They cover in the different countries quite different classes of workers; and in no country are the figures an adequate indication of the extent of the problem. Again, in regard to unemployment of a seasonal character, it has been found impossible to compare even the building trades of more than a few countries.

For other seasonal trades there appear to be no adequate figures for comparison between any two countries; and the consequence is that although various kinds of unemployment are recognized to be international in character, both because they appear in every industrial country and because they are due to international causes, nevertheless it is impossible to arrive at any exact and statistical view of the problem on an international scale.

The establishment of the International Labor Office and the publication by it of information in regard to the several States will naturally promote the general knowledge of the situation; but with the material at present available the International Labor Office could not make progress in the study of the problems. The comparison of systems and the improvement of methods adopted would be easier, if there were an agreed system of collecting and publishing information as to unemployment to be used by the several States.

The information which is desirable is broadly of the following kinds: there should be for all industrial countries statistics giving (1) the wage-earning population defined in some agreed way; (2) the numbers employed at certain dates in each industry, distinguishing males, females, and children under some agreed age; (3) the membership of trade unions as well as the number unemployed and the number insured in them; (4) the numbers affected by strikes or lockouts. The statistics should also have regard to employment offices, showing (1) the number of offices actually open, distinguishing kinds; (2) the number of places offered, workers registered and places filled. Finally, the statistics should show, in regard to insurance and other measures of relief, (1) the number and kinds of insurance funds; (2) the amounts expended; (3) the numbers insured, and other similar information.

<sup>1</sup> Report upon unemployment, prepared by the organizing committee for the International Labor Conference, Washington, 1919. London, pp. 112-117.

It is recognized that the unification of statistical records is a matter of great difficulty; but the necessity for it is becoming increasingly important, not only as regards unemployment but as regards all industrial problems. In the case of unemployment, however, it is of special importance, as unless some such step is taken, no adequate description of the problem can be obtained. Moreover, the paucity of the existing records will allow a coordinated system of future statistics to be compiled with less disturbance of existing methods and records than would be the case in other fields. The committee is, therefore, of the opinion that coordination of these statistics is of great importance because of the light which it may throw on the problem with which they deal.

Nonstatistical information is also necessary and should be collected on an agreed system on an international scale. This information should include the texts of laws or regulations regarding unemployment, draft bills, projets de loi, etc.; particulars ought also to be given of voluntary action in regard to the prevention or relief of unemployment. Information as to any sudden change likely to affect employment should be conveyed at once to the International Labor Office; for example, there may be calamities such as earthquakes and other unforeseen events involving the dislocation of industries on which employment in another country is dependent.

Further, it will probably be necessary that some arrangement should be made as to the time at which the information should be communicated by the Governments to the International Labor Office. An exact period should be fixed, in order that the information from the several States may be comparable. It is provided in article 397 of the peace treaty that direct communication shall be established between the International Labor Office and the departments of the several States which deal with questions of industry and employment; and this will be of special importance in regard to unemployment.

With a view to promoting the international collection of information and its coordination, the committee submits a draft clause, which might be embodied in an international convention, and a resolution suggesting that an international commission should be set up to advise on the best method of collecting such information. The committee also considers that there should be agreements between States possessing systems of unemployment insurance to assure reciprocal benefits to emigrant workers.

The committee considers that certain aspects of the migration of workers have a bearing on the problem of unemployment, but that the whole subject is too complex for immediate treatment by international agreement. They accordingly submit a resolution for the consideration of the conference, suggesting that an international commission should examine certain portions of the problem.

One further measure in regard to preventive methods in the treatment of unemployment is the allocation of public contracts. This is dealt with in the above report; and although it is not yet practiced on any large scale in any State, it is suggested that it should become the subject of a recommendation to promote such allocation wherever possible.

The committee has not been able to make any suggestions as regards the modifications which may be desirable in the case of those countries whose special conditions are referred to in article 405 of the treaty, as at the time when this report was printed replies had not yet been received from the most important Governments likely to be concerned.

The committee put forward for the consideration of the conference the following draft convention, recommendation and resolutions:

#### DRAFT CONVENTION ON UNEMPLOYMENT.

##### ARTICLE 1.

All information regarding unemployment shall be communicated by the States signatories to this convention every three months to the International Labor Office. Such information shall include



statistics and particulars of any measures taken in regard to unemployment

#### ARTICLE 2.

Each State signatory to this convention shall coordinate on a national scale the operations of the various agencies, public and private, through which the wage earners now seek employment.

#### ARTICLE 3

The States signatories to this convention which have established systems of unemployment insurance shall make arrangements whereby workers belonging to one such State and employed in another shall be admitted to the benefits of such insurance upon terms to be agreed between the States concerned.

#### RECOMMENDATION.

It is recommended by the conference of the International Labor Organization that measures shall be taken by each State signatory to this convention to promote the coordination of the orders for work or public contracts of all public authorities within its jurisdiction in such a manner that the said work or contracts may be undertaken, as far as possible, in periods of serious unemployment.

#### RESOLUTIONS.

I. *It is resolved*, That the governing body of the International Labor Office be instructed to appoint an international commission to consider and advise on the best method of collecting and publishing in each State all information directly relevant to the problem of unemployment.

II. *It is resolved*, That the governing body of the International Labor Office shall appoint an international commission to consider whether any measures can be adopted to regulate the migration of workers, so far as regards the conditions of their employment.

#### INFORMATION WITH REGARD TO UNEMPLOYMENT.

The committee is of opinion, after reviewing the information supplied as to the nature and extent of the problem of unemployment in its international aspects, that more information is needed. A first necessity for the solution of the problem is a correct diagnosis of its character, but this is hardly possible at present. There is no agreement between the States as to the method of collecting statistics of unemployment. No country appears to have an exact knowledge of the problem within its own frontiers, and the international aspects have hardly been considered hitherto. For the adoption, however, of methods of preventing unemployment and of providing against it the Governments would find further information useful, and this can only be adequate if it is collected and published on an international scale. The consideration of the method of collecting information would naturally be one of the tasks of the International Labor Office, since the publication of information is already recognized in the treaty of peace as a function of this office.

The committee, therefore, suggests that arrangements should be made to secure the coordination and extension of information on the subject of unemployment and its communication to the International Labor Office. These suggestions are dealt with more fully at the conclusion of this report.

#### CONTROL OF EMPLOYMENT EXCHANGES BY THE STATE.

It is evident from the information available and from the expressed opinions of some Governments that the established systems of employment offices have not been as effective as it was hoped that they would be. Information as to the conditions of work or as to the ability of the applicant is essential to the effective working of a system of employment offices, but such information is often difficult to obtain. This tends to make the employers and the better class of workers distrustful of the system.

It is clear, nevertheless, from the information furnished that, even allowing for all limitations to the possible value of public employment offices, the system should be extended in every country in which there is unemployment. Each State or large district within a State is still an economic unit in regard to the supply of labor, except in regard to the possibilities of migration. The normal movement of the majority of workers from one to another employment is still within a frontier, and therefore, as a general rule, the organization of employment offices is a task for each State acting separately. The information supplied by some Governments, however, and their expressed opinions indicate that, in the case of workers moving to countries anxious for immigrant labor, it should be possible to establish close relations between the public employment offices of the States concerned. Apart from this no international administrative action appears possible with regard to the movement of labor, and the social circumstances in the different countries are so different that no one system can be shown to be best for all. It seems, however, to be generally agreed that a public system is better than private registry offices, and that where private registry offices exist they should operate only under a license. Further, it appears to be agreed that there should be in every State some central State supervision of the whole system of employment offices.

#### PROPOSALS OF THE ARGENTINE DELEGATION IN THE MATTER OF UNEMPLOYMENT.

The Argentine delegation agrees with the report of the organizing committee that the problem of unemployment (1) is one of the most serious, and (2) difficult of solution, and that (3) the information supplied to the Organizing Committee points out very apparent deficiencies. It takes this occasion, moreover, to make clear the thought in the reply of the Government to the questionnaire. It did not intend to state that the problem of unemployment does not exist. Argentina, being as it is, a fully developed industrial country, unemployment does exist. What it wished to say was (a) that the problem presents itself only exceptionally in an intensive form, and (b) that the form in which it presents itself is not like that which it assumes in the countries of continental Europe. In Argentina the problem of enforced idleness is, above all, a question of distribution of the working population, difficult because of the extent of the country. However, accepting in good part the standards of the committee, the Argentine delegation begs to differ with the terms of the draft proposed on page 239. It believes, in effect, that it is not indispensable to defer the solution, although partial, of the matter; and it affirms that there naturally exists an unquestionable advantage in suggesting a more concrete solution. The importance of the question demands it. It therefore begs to propose the following:

#### DRAFT CONVENTION.

1. The associated nations agree to pass legislation for the establishment of national, provincial, or municipal bureaus, whose object is to bring together the supply and demand of labor. The services of these will be absolutely free.

2. They agree likewise to subsidize the labor organizations which render free employment service in proportion to the importance of the services given.

3. The same legislation shall provide for the abolition of fees for the services of those agencies, except in localities where there are no official agencies.

4. The associated nations which have up to the present time no legislation for the prevention of unemployment agree to study the problem as soon as possible and to create by law systems which provide for assistance to the unemployed, whether it be on the basis of pecuniary aid to the labor organizations which have established relief funds for the unemployed or on the basis of some plan of social



insurance, the funds for which may consist of contributions from workers, employers, and the State.

The reasons which form the basis for the preceding proposal are readily understood. The three first are in answer to the proposal of preventing, as far as possible, enforced unemployment through the action of the public employment offices. It does not seem necessary to favor exclusively any one of the two systems prevailing as present, namely, the public exchange and that of the labor organization; and on the contrary everything leads one to believe that they can exist together. The expedient thing is to establish the principle by which the State should, in greater or less degree, lend pecuniary aid to the funds which supplement the labor organizations, reserving for itself the task of coordination between the supply and demand of labor. With regard to the agencies which are not free, it is desirable to secure their elimination as soon as possible. The motive of profit which dominates them is contrary to the interests of the workers. The social function of procuring work ought not to give rise to a profit-taking business.

The last proposition embodies, in the opinion of the Argentine delegation, the most adequate means within the present industrial organization of tending to lessen the consequences of unemployment, when this occurs in spite of the preventive measures indicated. Social insurance against the danger of unemployment appears a system too ambitious, if it has to be applied to all kinds of workers. It must not be forgotten, furthermore, that such a system demands a preliminary period of development of social legislation which not all the nations have yet acquired. It is for this reason that in addition to this plan there was put that of the "unemployment funds" supplementary to the labor organizations and assisted by the State. Without doubt this system is easily realized, its educative value quite apparent. It remains for each country, in accordance with its resources, to fix the amount of its contributions.

(Signed) LEONIDAS ANASTASI,  
FELIPE A. ESPIL,  
*Delegates of Argentina.*

**DRAFT CONVENTION PROPOSED BY THE ARGENTINE GOVERNMENT DELEGATION IN THE MATTER OF RECIPROCITY OF TREATMENT OF FOREIGN WORKERS.**

1. Foreign workers residing in any of the associated countries shall have the same rights and obligations under workmen's compensation laws as those who are citizens of that country.

2. The rights granted by the respective laws to the heirs or dependents of the victim of an accident shall not be restricted by reason of nationality or residence.

**STATEMENT OF MOTIVES.**

I. In submitting this draft convention to the consideration of the conference we are convinced that the subject matter of the proposal is well within the purpose and scope of this conference, although at first sight it may appear that it is only a subject for national and not for international action, inasmuch as it refers, in part at least, to the situation of foreign subjects or citizens residing in one of the associated countries.

In this respect we must not forget the strong opposition that was aroused in this country<sup>1</sup> against the original draft of the League of Nations because, among other things, it was feared that the questions relative to foreign immigrants would eventually be referred to the tribunal of the League of Nations. To overcome this objection, in the final draft article 15 was amended, so as to exclude from the jurisdiction of the league "\* \* \* a matter which by international law is solely within the domestic jurisdiction of that party." Then, it would seem natural to fear that the matter on which we are endeavoring to legislate might be included within the meaning of the above sentence, as it refers to the situation of

foreign subjects or citizens within the boundaries of one of the associated countries, and it might seem to raise questions which might be included within the provisions of articles 418 and 419 of the treaty of peace. But there is really no ground for that fear when we consider that paragraph 8 of article 427 of the treaty of peace expressly places this subject among the international matters with which the treaty itself is concerned, when it declares that

The standard set by law in each country with respect to the condition of labor should have due regard to the equitable, economic treatment of all workers lawfully resident therein.

On the other hand, we might mention the fact that the United States—the country which has most earnestly defended its privileges in the matter of immigration—is one of the countries which has most liberally recognized in its State legislation this condition of equality that our draft convention is endeavoring to extend to all the associated nations. (Bulletin No. 240, U. S. Department of Labor, Bureau of Labor Statistics, Comparison of Workmen's Compensation Laws of the United States up to Dec. 31, 1917, p. 89.)

II. In the arrangement of this proposed draft we have met with another doubtful point. This conference is not empowered to consider other questions than those referred to in the agenda included in the appendix, and therefore it would be necessary to determine whether the subject with which we are dealing can naturally be considered as pertaining to any of the matters therein mentioned. If it can not, then article 402, last part, would apply, inasmuch as it provides that, by a vote of two-thirds of the delegates present at the meeting, the subject may be included in the program for the next conference. This doubt was further increased by the reading of the report presented to the conference by the chairman of the Organizing Committee, Mr. Fontaine, who, considering Question 16, relative to the date of the next session of the conference, mentions the last paragraph of article 402 and states his opinion that within its meaning is included the suggestion, made on August 29, 1919, by the supreme council of the allied and associated powers, in which it was decided not to consider in the treaty of peace with Austria the rights and privileges of the allied workers admitted to enemy territory, and vice versa, and to refer the resolution of the labor commission of June 4, 1919, to the International Labor Conference at Washington. This matter has been referred to the unemployment commission, as both subjects are undoubtedly closely related, and this commission is to determine whether the matter is to be passed upon in this session of the conference or at the next.

It is evident, however, that the treaty of peace, in the part of it relative to the methods of preventing and providing against unemployment, could not have used broader terms, which are the only possible terms consistent with a true solution of this problem, the future solution of which is inseparably connected with the observation and study of migratory movements.

Our proposed convention attempts precisely to remedy the consequences of unemployment or, in other words, to provide against unemployment, in that it tends to offer certain definite guarantees to workmen who have emigrated to other countries, and to make their situation better and more secure, thus encouraging them to seek employment outside of their own territory when there is superabundance of labor, the more so, as it is likely that we may have a repetition of the "seasonal migration" to which the report [of the organizing committee] on unemployment refers. (Page 30, note, and also on page 72).

III. If we go further into the substance of this matter, we find that our draft convention responds to a doctrine which has been expounded in various laws and conventions. Among other countries, Switzerland, England, Italy, Spain, the Netherlands, Sweden, Cuba, and Chile do not make any distinction whatever as regards nationality or residence of the victim of an accident or of the beneficiaries of the compensation. The efforts of the International Association for Labor Legislation have had happy results. Beginning with the French-Italian treaty of April 15, 1904, there

<sup>1</sup> The United States of America.



has been a series of international conventions which have dealt with the situation of foreign workers in regard to the application of the laws on workmen's accidents. (A list of these conventions may be found in Stephen Bauer's *International Labor Legislation* and the *Society of Nations*.<sup>1</sup>) To the American section of the same association must be credited, to a great extent, the trend of the laws of the different States in the American Union, of which only four at the present time deny all rights to the foreign beneficiary if he is not a resident of this country. These were the facts stated at the Zurich conference in 1912, in accordance with declarations made in previous conferences at Basel, Geneva, Lucerne, and Lugano.

The grounds on which this doctrine is established do not need to be demonstrated here. The doctrine is a part of the *jus novum* which the convention incorporated, because it was realized that the physical, moral, and intellectual welfare of the industrial wage earners is extremely important from an international point of view. Social legislation thus broadens its field and reaches all the workmen who, compelled to a great extent by unemployment, look for a new field for their activities.

IV. To Argentina the adjustment of its legislation to the new doctrines does not mean any considerable effort. Her constitution (arts. 14 and 20) establishes absolute equality of civil rights for all her inhabitants without regard to their nationality, and while it is true that the workmen's compensation laws do not grant the right of compensation to the heirs or dependents who are not residents of the country, an exception is made in cases of reciprocity established by international agreement or conventions. In addition to this the Argentine courts, contrary to the decision of the French court in the Renard case, hold that the protection accorded by the common law to the surviving dependent relative is not restricted or limited by the special compensation laws for accidents to workmen.

Finally, it must be borne in mind that the Argentine Government delegation, in submitting this proposed draft convention, is influenced by the fact that an enormous proportion of foreigners, namely, 28 per cent, are living in their country, as shown by the last census. The reciprocity clause is illusory, as there is practically no Argentine emigration, but the Argentine delegation places the high principles of social justice which have led to the calling of this conference above mere economic advantages.

(Signed) LEONIDAS ANASTASI,  
FELIPE A. ESPIL,  
Delegates of Argentina

#### MEMORANDUM OF THE ITALIAN DELEGATION ON THE ITALIAN NATIONAL INSTITUTE FOR PLACEMENT AND INSURANCE AGAINST UNEMPLOYMENT.

The second of the six chapters of the report of the commission on unemployment deals with the question of finding employment for workers and examines a draft convention and two draft recommendations.

The draft convention is worded as follows:

The States ratifying the present convention or acceding thereto shall establish in their respective countries a system of free public employment agencies under the control of a central authority. Committees which shall include representatives of employers and representatives of the workers shall be appointed to advise on matters concerning the carrying on of the work of such agencies. In States where both public and private free employment agencies engage in the work of finding employment for the unemployed, such States shall take measures to coordinate the operations of any or all such agencies on a national scale. The operation of the several national systems shall be coordinated by the International Labor Office in agreement with the States concerned.

Without wishing to take too much of the time of the conference or too much space in its record, we should like to make it clear that Italy already possesses a national employment bureau, to which are intrusted the direction and the coordination of employment exchanges and the carrying of unemployment insurance. This exchange under-

takes the placing of workers and of certain classes of office and store employees.

The national employment system is constituted as follows:

1. A central bureau forming part of and located in the buildings of the department of industry, commerce, and labor at Rome.
2. Provincial commissions or councils for employment and for unemployment.
3. Local supervisors.

Since the war the National Institute for Placement and for Insurance against Unemployment has cooperated with the National Veterans' Association, whose purpose is to find employment and sometimes even to provide capital for those Great War veterans who have found themselves or do find themselves in straitened circumstances. The sum of 50,000,000 lire has been set aside for the national institute with which to make loans or to advance money to the local centers and to combat unemployment through provision of public works, or in other ways to obviate the consequences of unemployment.

Travel benefits to reach the place of work may also be advanced to individual workers or groups of workers, if they are registered with the unemployment benefit associations; likewise, expenses for lodging, for setting up soup houses, for purchasing bare necessities, and for advance wages, etc.

The national unemployment insurance fund is part of the National Institute for Placement and for Insurance against Unemployment, which administers it. It will be composed of:

1. The remainder funds previously set aside for unemployment.
2. Individual payments by those compulsorily insured against unemployment, payments in which the employers share.
3. An annuity of 40,000,000 lire set aside by appropriation.

The central office, or central board, as has been said, has its headquarters at Rome, as part of the department of industry, commerce, and labor.

The central office coordinates and supervises the operation of the provincial unemployment insurance funds, both those for separate trades and those which insure all workers; it supplies them with the necessary cash, drawing it from the fund which it administers; it advances them the amounts necessary for their establishment and equipment; it suggests the manner of apportioning the unemployment subventions and subsidies.

The provincial boards for placing workers and for insuring them against unemployment are presided over by a magistrate and consist of an accountant of the prefecture or of the local treasury, a representative (and his substitute) from the employment bureau which exists in the province, a representative (and his substitute) from the unemployment insurance fund of the trade organizations which exist in the province, an engineer and a delegate from the bureau of engineering, a representative (and his substitute) from the National Veterans' Association, three representatives (and two substitutes) of the manufacturers or employers, and three representatives (and two substitutes) of the workers.

The provincial boards—

- (1) Supervise the operation of the local employment offices and the municipal labor commissions.
- (2) Coordinate the placing of laborers through the Province, serving, as it were, as a clearing house.
- (3) Administer the provincial insurance funds which cover several trades, and control the distribution of subsidies.
- (4) Authorize the payment of unemployment benefits.
- (5) Make suggestions and give advice in the matter of preparing plans in advance for the execution of public works; supervise the use and refund of the money advanced.
- (6) Make suggestions and give advice on the advance payment of sums to cooperative groups; supervise the use and refund of the sums advanced.
- (7) Act as the agents of the department of industry, commerce, and labor (National Exchange for Placement and Insurance against

<sup>1</sup> Bulletin 254 of the U. S. Bureau of Labor Statistics.



Unemployment), to which they make pertinent suggestions for the elimination of unemployment in the Province.

Special agencies, organized according to special regulations, are charged with the placing of labor, free of charge. The authorized agencies are registered at the central exchange. They may be assisted by subsidies even permanently. The local supervisors are appointed from among the factory inspectors, or, where there are none, from among the emigration inspectors, the agricultural extension lecturers or agents, or other resident officials.

The private employment agency for gain is abolished.

The employer who does not directly hire the labor of which he has need should apply to the authorized agencies.

Fines for contravention of the law are exacted of both the employer and third parties involved.

Placing of workers in foreign countries is carried on under the control of the general emigration commission, with which the Italian National Institute for Placement is constantly exchanging information relative to labor.

Every fortnight employers notify the employment exchange of the names and qualifications of workers whom they have engaged during the past two weeks.

Each worker is supplied with a pass book, in which is entered a record of all hiring and discharge from employment. This pass book is lodged with the employer hiring the worker and is returned to the latter when he leaves employment.

Insurance against unemployment is compulsory for wage earners of both sexes, and for employees other than manual laborers, who may be counted such by reason of receiving wages, or because they come under a classification already established or about to be created.

General compulsory unemployment insurance funds covering all trades are established in each Province, and are administered by the competent provincial board.

Funds established by the separate trade organizations or through agreements between employers and workers may be authorized to pay unemployment insurance.

Contributions, until further notice, are payable every fortnight, and range from 6 centimes per day (wages below 4 lire per day) to 12 (wages from 4 to 8 lire) and 18 (wages above 8 lire). One-half is borne by the employer and one-half by the worker. The employer is responsible for disbursement of the benefits.

Contributions are made by means of stamps.

The unemployment insurance funds make payments according to three classes, depending on the rate of contribution per day as follows: 1.25 lire, 2.50 lire, and 2.75 lire.

The unemployment benefit is not paid until after a waiting period of 8 days of unemployment, and is available for a maximum period of 120 days per year. The unemployed worker is compelled to register at an employment agency the day after he stops work, unless he intends to secure work for himself. He is not entitled to the benefit unless within the two preceding years he has paid at least 24 fortnightly contributions, or an equivalent number of weekly or daily contributions. The period during which an unemployed person is entitled to the benefit is in proportion to the period for which he has made contributions.

Any worker refusing work offered him loses his right to benefits. The benefits may be refused to persons addicted to idleness or drunkenness, or those frequenting places where alcoholic drinks are sold. Payment of benefits may depend in certain cases on attendance at elementary or vocational training courses.

There are various provisions providing for the effective operation of the institute through a system of inspection and by granting financial assistance to the different unemployment insurance funds as well as the national fund for the prevention of unemployment.

Payment of insurance contributions will begin January 1, 1920.

Temporary provisions have been made for the benefit of those workers who may be out of employment before the institute is in regular operation.

(Signed) **BARON MAYOR DES PLANCHES,**  
*For the Italian Delegation.*

#### ADMISSION OF PANAMA WORKERS TO THE CANAL ZONE (U. S. A.)

The following communication has been submitted by the delegate from Panama:

Mr. President, as delegate of the Government of Panama to the International Labor Conference, I have the honor to present to you and to the conference a formal request that Panama laborers be admitted as workers in the various trades and labors carried on in the Canal Zone in preference to unskilled laborers of other nations, and on an equal footing with laborers from the United States.

In consideration of the fact that Panama has made great sacrifices to furnish the United States with every facility for the construction, operation, maintenance, and defense of the interoceanic canal, it would seem natural that the canal authorities would have given a preference to our laborers over those of other nationalities, of inferior qualifications, as further on explained, especially as Panama and the United States are so intimately allied in their mutual interests.

But unfortunately such has not been the case, for since work on the canal was first begun, there has been a marked indifference on the part of the canal directors to the employment of Panama laborers, and they have employed a very insignificant number of our laborers in comparison to those of other nationalities.

In view of this, I beg also to state that if Panama laborers have not been employed in the Canal Zone, it has not been because of their incompetency; for the greater part of the laborers employed in that work have been less competent than our men: natives of the West Indies who not only worked no better than our laborers, but on the contrary are inferior to them in intelligence and skill.

Mr. President, the Republic of Panama is dedicating her best efforts to public education and it is our fervent desire to raise this branch of our national service to the high plane which public education occupies in the great nations of the world.

We have to-day a technical school fully equipped with up-to-date appliances, and a faculty of competent professors. From this school are being turned out graduate carpenters, cabinetmakers, electricians, mechanics, metal workers, etc. These men, in spite of their skill, have not been able to secure employment in the Canal Zone, although foreigners of much less competency have been constantly employed there.

Furthermore, the directors of work in the Canal Zone have not even favored workmen recommended to them by the high authorities of our Republic. This discourtesy seems all the more extraordinary because the Government of Panama employs many citizens of the United States, some of whom occupy the most important positions in the departments of our Government.

Allow me also, Mr. President, to here remind you that the Panama Government, in her anxiety to furnish every facility to the United States Government for the construction of the canal, has never placed the slightest difficulty in the way of the immigrants that have thronged into our ports to take part in that construction, and have caused Panama enormous injuries, from which our nation will suffer indefinitely. Through this benevolence on our part thousands and tens of thousands from the West Indies have settled in Panama. These people are racially and intellectually inferior to ours, and with different customs, language, and religion.

These foreigners, when incapacitated for work, are obliged to invade territory under the jurisdiction of Panama. Many of them become ill and insane in our cities, and being without resources, our Government is obliged to care for them and place them in our hospitals, where there are continually hundreds of such people at the expense of our Republic. Many of them are confined in the insane asylum of the Canal Zone, where their maintenance should be assumed by the United States Government, which has induced them to come to the Isthmus and work, thereby depriving Panama laborers from their just share in the canal work.

Also I wish to mention that there is a marked difference in the salaries paid to the few Panama laborers who have been fortunate enough to find work in the Canal Zone and those paid to the United States laborers.

Mr. President, allow me to hope that this request may be favorably considered by you and by this conference whenever we are gathered together here in the interests of the labor question.

(Signed) **JORGE L. PAREDES.**

WASHINGTON, D. C., November 12, 1919.

#### COMMISSION ON EMPLOYMENT OF WOMEN.

Chairman, Miss Constance Smith (Great Britain).

Government delegates:

Judge Johann Castberg (Norway), Mrs. Laura Casartelli, Cabrini (Italy), Dr. R. H. Elizalde (Ecuador), Mr. E. Kamada (Japan), Mr. Louis James Kershaw (India), Mrs. Letellier (France), Miss Constance Smith (Great Britain).

Employers' delegates:

Mr. E. Baroni (Italy), Mr. J. S. Edstrom (Sweden), Mr. Henry (France), Mr. D. S. Marjoribanks (Great Britain), Mr. Sanji Muto (Japan), Mr. Maurice de Smet de Nayer (Belgium), Mr. Dietrich Schindler (Switzerland).

Worker's delegates:

Miss Jeanne Bouvier (France), Mr. P. M. Draper (Canada), Mr. N. M. Joshi (India), Miss Margaret Bondfield (Great Britain), Mr. U. Masumoto (Japan), Mr. Corneille Mertens (Belgium), Mrs. M. Stivinova Majerova (Czecho-Slovakia).

Secretary, Miss Sophy Sanger (Great Britain).



**REPORT OF THE COMMISSION ON EMPLOYMENT OF WOMEN  
ON EMPLOYMENT OF WOMEN BEFORE AND AFTER CHILDBIRTH.**

The commission has the honor to present the following report:

The question of the employment of women before and after childbirth having been discussed on the basis of the principles proposed by the Organizing Committee in its Report III, pp. 14 and 15 ("Conclusions"), the commission found itself in clear and definite agreement on the following fundamental points:

(1) That a woman should not be employed in any industrial undertaking for a certain period after her confinement and should be entitled to benefit during the period of prohibition.

(2) That for a certain period before childbirth a woman should be either (a) prohibited from employment in an industrial undertaking or (b) permitted to leave her work on a medical certificate, and that in either case she should be entitled to benefit.

(3) That a woman leaving her work in consequence of regulations founded on the principles of (1) and (2) should have a right to reinstatement.

After a general discussion, extending over two meetings, of these and other points, including the very important question of the amount and means of payment of the benefit approved in principle, the commission decided to refer them to a smaller subcommittee for study and report. The report of the subcommittee, which was drawn up after careful and scrupulous examination of all the questions submitted to it, took the form of a draft convention to be presented to the conference. Although, as has already been intimated, a gratifying unanimity of opinion in respect of general principles had been arrived at in the full commission, this unanimity did not extend, either here or in the subcommission, to all the methods proposed for carrying these principles into effect, and considerable debate took place upon the subcommission's draft, which was amended in several important particulars. It is now submitted to the conference for approval in its amended form, as the outcome of sincere and serious endeavor to frame practical recommendations on a subject which all its members alike feel to be of the utmost consequence to the welfare of their respective nations and of humanity at large. Although they have been unable to see eye to eye at every point, they feel that, with a single exception, such disagreement as exists among them relates mainly to details and methods of working, and that they are at one in the end they have attempted to secure. Thus article 4, the first half of article 5, and article 7 were carried by overwhelming majorities, and article 3 was agreed to *nem. con.*; on the other hand, the majorities for the second half of article 5 and for article 8 were very small. In the case of article 8 a strong resistance was put up by the minority, who considered that provision for the nursing of infants by the mother during factory hours would represent a retrograde step in industrial legislation. A minority report to follow this in the record has been handed in by a group of employers, proposing an amendment of the draft article 5, which would reduce the period of the right to leave work before childbirth to four weeks (the period originally recommended by the subcommittee) instead of six.

Two recommendations to the conference are printed to follow the draft convention attached. The first arises out of consideration of the peculiar position of India where, although for the present, owing to national custom and tradition, no need for prohibition of the employment of women before and after childbirth appears to arise, the Indian representatives have expressed their opinion that this question and the allied one of maternity benefit ought to be made the subject of study. The other is concerned with study of the further question of provision of benefit for the working woman who remains at home after the period covered by the draft convention has expired, for the purpose of caring for and nursing her child.

(Signed) *CONSTANCE SMITH,*  
*Chairman.*

**DRAFT CONVENTION CONCERNING EMPLOYMENT OF  
WOMEN BEFORE AND AFTER CHILDBIRTH.**

The general conference of the labor organization of the League of Nations, having been convened by the Government of the United States of America at Washington, on the 29th day of October, 1919, and having decided upon the adoption of certain proposals with regard to women's employment before and after childbirth, which is part of the third item in the agenda for the Washington meeting of the conference, and having determined that these proposals shall take the form of a draft international convention, adopts the following draft convention for ratification by the members of the Labor Organization, in accordance with Part XIII of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919:

**ARTICLE 1.**

Industrial undertakings shall be deemed to include the following:

(a) Mines and quarries and extractive industries of every kind.

(b) Industries in which articles are manufactured, altered, repaired, ornamented, finished, or adapted for sale, or broken up or demolished, or materials are transformed (including the generation, transformation, and transmission of motive power, electric, hydraulic, etc., shipbuilding, laundry work).

(c) Construction, reconstruction, repair, maintenance, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, wall, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, and the preparation for and laying the foundation of any such work or building.

(d) The transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and at warehouses, but excluding transport by hand.

The laws of each individual country shall define the line of division which separates industry from agriculture and commerce.

**ARTICLE 2.**

Throughout this convention the term "woman" means every woman, without distinction of age, whether married or unmarried, employed in an industrial undertaking; and the term "child" means the child of any such woman, whether legitimate or illegitimate.

**ARTICLE 3.**

This convention shall not apply to industrial undertakings in which members of the same family only are employed.

**ARTICLE 4.**

A woman shall not be employed in an industrial undertaking during the six weeks immediately following her confinement. A woman who leaves her employment in accordance with this article shall receive benefits in conformity with article 7 below.

**ARTICLE 5.**

A woman shall have the right to leave her work in pursuance of a medical certificate stating that her confinement will probably take place in six weeks' time and shall then be entitled to receive the benefits contemplated in article 7 below. In any case where the medical adviser proves mistaken in estimating the date of confinement this fact shall not preclude the woman from receiving the aforesaid benefits from the date of the certificate up to that on which the confinement actually takes place.

**ARTICLE 6.**

When a woman is absent from her work in accordance with articles 4 and 5 of this convention or as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful for her employer to give her notice of dismissal during her absence as aforesaid, nor to give her



notice of dismissal at such a time that the notice would expire during her absence, until such absence shall have exceeded a maximum period to be fixed by the government of each State.

## ARTICLE 7.

The benefits named in articles 4 and 5 shall be paid either by the State or by means of a system of insurance. The exact amount shall be determined by the government of each State, providing that it shall in all cases be sufficient for the full and healthy maintenance of the mother and child. Free attendance by a doctor or certified midwife shall be an additional benefit.

## ARTICLE 8.

A woman coming under this convention who is nursing her infant shall be allowed half an hour off twice a day during her working hours for this purpose.

## MOTIONS PROPOSED BY THE COMMISSION ON EMPLOYMENT OF WOMEN.

I. That the Indian government be requested to make a study of the question of the employment of women before and after confinement, and of maternity benefits, before the next conference, and to report on these matters to the next conference.

II. The commission recommends to the conference that the Governments be requested to study the question of giving every working woman the right to remain away from work after the birth of a child for a longer period than that fixed in the draft convention, and to receive certain benefits during her absence for the purpose of enabling her to remain with and to nurse her child. This subject will be placed upon the agenda for the next conference.

## MINORITY REPORT ON EMPLOYMENT OF WOMEN BEFORE AND AFTER CHILDBIRTH.

In our opinion, and as we understand, in the opinion of the physicians connected with the best maternity hospitals, it is undesirable that women who are accustomed to working in factories should cease work for so long a period as six weeks before confinement, and we can not support a longer period than four weeks.

We are also of the opinion that there is no justification for the woman receiving benefits for a longer period than four weeks, if the medical adviser has made a mistake in his estimate of the time of confinement, and that it is preferable to lay down no hard and fast rule as to the time when she must cease work prior to confinement, but make it compulsory that she may not work until six weeks have expired after childbirth, as prescribed in article 4.

We therefore submit the following amendment, viz., that article 5 should read as follows:

A woman shall have the right to leave her work in pursuance of a medical certificate stating that her confinement will probably take place in four weeks' time and shall then be entitled to receive the benefits contemplated in article 7 below.

(Signed) J. NAKAHARA, (Japan).  
E. KAMADA (Japan).  
E. HENRY (France).  
J. S. EDSTROM (Sweden).  
B. MARJORIBANKS (Great Britain).  
DIETRICH SCHINDLER (Switzerland).  
R. H. ELIZALDE (Equador).

CONCLUSIONS OF THE ORGANIZING COMMITTEE ON EMPLOYMENT OF WOMEN BEFORE AND AFTER CHILDBIRTH.<sup>1</sup>

Owing to the variety of the laws in force in different countries respecting the employment of women before and after childbirth, and in the present state of information, the Organizing Committee thinks it only possible to propose as a basis for a draft international convention the following principles:

I. Prohibition of the employment of women in factories and workshops for a period of at least four weeks after childbirth.

II. Adequate maternity benefit for such women to secure proper maintenance and care of both mother and child during the period of her necessary absence from work before and after childbirth. The committee suggests that this period should be calculated at not less than six weeks.

## REPORT OF THE COMMISSION ON EMPLOYMENT OF WOMEN ON EMPLOYMENT OF WOMEN AT NIGHT AND THE EXTENSION AND APPLICATION OF THE BERN CONVENTION OF 1906 ON THE PROHIBITION OF THE NIGHT WORK OF WOMEN EMPLOYED IN INDUSTRY.

The commission has the honor to present the following report:

No attempt is made in this report to deal with the question of employment of women by night in other than industrial occupations. In view of the limited time remaining at the disposal of the conference, the commission recognizes the necessity of avoiding any proposal likely to require prolonged discussion, and has confined its recommendations to a few points arising out of the accepted principle embodied in the convention of Bern that women in industry shall not be employed during the night.

We are in complete agreement with this principle and with the main lines of its expression in the Bern convention of 1906. Careful examination of the terms of the Bern convention, has, however, convinced us that it requires some revision to make it an efficient international instrument at the present time, apart from and in addition to that redrafting of the formal articles providing for ratification, notification, and method of denunciation so evidently called for in the new situation created by the covenant of League of Nations. Thirteen years have passed since the convention was signed in 1906. During that period great changes have taken place in industry, social standards have risen, and the relations between peoples have been profoundly modified by the war, with the result that the convention no longer corresponds to the needs and opinions of the time. The conference has an opportunity to effect the necessary improvements and adjustments at this moment when it deals with the third item of the agenda prescribed by the treaty of peace.

The commission's proposed changes are few in number and leave the main provisions of the existing convention untouched. It is, however, clear that it would be impracticable to attempt to modify a convention actually in force. The commission therefore recommends that a new convention concerning the employment of women at night be put forth by the conference to supersede the Bern convention of 1906. This new convention should, in the opinion of the commission, follow in outline the Bern convention of 1906, effecting the following changes in the substantial articles of that convention:

1. For the second paragraph in article 1, substitute the following:

The present convention does not in any case apply to undertakings in which only the members of the family are employed.

2. For the third paragraph in article 1, substitute the following:

It is incumbent upon each contracting State to define the term "industrial undertaking." The definition shall in every case include—

- (a) Mines and quarries and extractive industries of every kind.
- (b) Industries in which articles are manufactured, altered, repaired, ornamented, finished, or adapted for sale, or broken up or demolished, or materials are transformed (including the generation, transformation, and transmission of motive power, electric, hydraulic, etc., shipbuilding, laundry work).
- (c) Construction, reconstruction, repair, maintenance, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, and the preparation for and the laying foundations of any such work or building.

The laws of each individual country shall define the line of division which separates industry from agriculture and commerce.

3. A new article is proposed as follows:

In countries covered by article 405, clause (3) of the treaty of peace, the application of the provisions of the present convention may be suspended in such industrial undertakings as may be defined in this respect by the Government of the country, provided that the provisions of this convention shall in any case apply to factories as defined in the national law.

4. In the third paragraph of article 8, substitute "one year" for "two years."

5. Omit the fourth paragraph of article 8.

<sup>1</sup>Report on the Employment of Women and Children and the Bern Conventions of 1906, prepared by the Organizing Committee for the International Labor Conference, Washington, 1919. London, pp. 14, 15.



The formal article of the Bern convention of 1906 should also be revised so as to be uniform with the formal articles which may be adopted for other draft conventions by this conference. The commission therefore recommends that the conference approve the suggestion of a new convention to embody the above changes in the substantial article in the Bern convention; and further suggests that when these changes are approved the whole be referred to the Drafting Committee with instructions to prepare a complete draft convention to be put forth by the labor conference.

Reasoned grounds for the changes proposed above are as follows:

(1) Gets rid of the arbitrary distinction by which any woman working in a factory employing less than 10 persons has been hitherto deprived of the protection of Bern. Such a distinction is at variance with the trend of all modern factory legislation.

(2) Involves no change in the scope and intention of the paragraph. In this more detailed definition of "industrial undertaking" the commission was largely moved by desire to bring their definition into agreement with that coming before the conference in other draft conventions.

(3) The purpose of this proposed new article is to facilitate adherence to the convention on the part of countries hampered by special climatic conditions or backward industrial organizations, of which India may serve as an example.

(4) Seeing that considerable delay is allowed for under article 405, paragraph 3, of the peace treaty as regards the preliminary steps to be taken by a State adhering to any convention agreed to by the conference, the commission is of the opinion that the further time limit of two years allowed to an adhering State under article 8 of the convention of Bern might be reduced to one.

(5) The special provisions of the fourth paragraph of article 8 were introduced into the convention of Bern, 1906, in order to secure the adherence of a single country—Belgium. No reason exists for making them part of a new convention. They are therefore omitted.

Of several amendments which were brought before the committee but did not find acceptance, one, in favor of amending article 2 so that the interval to be comprised in the 11 hours of night rest should end at 6 (instead of 5) in the morning was vigorously pressed by a minority of members. Recognizing the strain upon women's health involved in beginning industrial work as early as 5 a. m., and the weight to be attached to the resolution of the International Conference of Working Women recommending that the night interval should cover the period between 9 p. m. and 6 a. m., the commission in general were disposed to give sympathetic consideration to this amendment. Nevertheless, in face of the strong representations made by members coming from States where it is the general custom to begin work at a very early hour that such a change at the present moment, when industry is still disorganized as a result of the war and the shift system is in general use, would not only do serious injury to industrial organization, but might be the means of depriving women employed in shifts of proper intervals for rest and meals, the majority found themselves unable to vote for it.

In conclusion, we desire to express our unanimous opinion that the adoption by the conference of the new draft convention, which will bring the Bern convention of 1906 up to date, would constitute a valuable advance in the protection of the health of women workers, and, through them, of their children, and that of the general population in each country, by making the prohibition of night work for women engaged in industry more complete and more effective than it has ever yet been.

(Signed) CONSTANCE SMITH,  
Chairman.

#### MINORITY REPORT OF THE COMMITTEE ON NIGHT WORK FOR WOMEN ON MODIFICATIONS OF THE BERN CONVENTION OF 1906.

In the course of discussion on the changes to be made in the Bern convention, a modification of article 2 was proposed. The reasons for this proposal are summed up as follows:

Article 2 deals with the duration and the limits of the period during which work is prohibited at night.

It was agreed at Bern to fix the period of uninterrupted rest at 11 hours per day, 7 hours of which—10 p. m. to 5 a. m.—should be an absolute night rest without any exception.

Once having established these bases, it was fitting to examine separately the question of work in two shifts. As only 17 hours were reserved for work, the manufacturers alleged that it was not possible for them to keep two shifts at work without losing an hour's work.

In order to take these considerations into account, the Bern convention authorized for a period not exceeding three years a temporary exception which permitted work to be continued until 11 o'clock at night. But these exceptions have terminated, and at the present time industry has only 17 hours per day at its disposal, the rest period being comprised within the limits of the day's work.

In view of the advantage obtained as regards the length of the working day for men, which has now been fixed at a maximum of eight hours, it is logical and humane to demand that working women who work in shifts shall benefit by a corresponding advantage.

Therefore there is proper warrant by appealing to the principle set forth in article 2 for trying to shorten as much as possible the periods which, although they do not come under the definition of night work as laid down by implication in this article, are none the less periods of night work, and to try to raise the period of uninterrupted night rest to eight hours, either from 9 p. m. to 5 a. m. or from 10 p. m. to 6 a. m., leaving 16 hours at the disposal of industries working in shifts, and maintaining at the same time the principle sanctioned in 1906, namely, that some concessions are to be made to women working in shifts.

The chairman is requested to mention in his report to the conference the foregoing as the expression of a minority opinion.

The minority of the commission requests, furthermore, that the foregoing proposal constitute a recommendation and as such be submitted to the governing body, in order that it may be considered by the next conference, which will take up the changes to be made in the Bern convention in conformity with the vote taken by the first conference at Washington, and in conformity with the advance of progress.

(Signed) LAURA CASARTELLI.

#### CONCLUSIONS OF THE ORGANIZING COMMITTEE ON ADHESION TO BERN CONVENTION OF 1906.<sup>1</sup>

The committee is of opinion that the conference should recommend adherence to the convention to all States members of the League. The text of the convention is as follows:

#### INTERNATIONAL CONVENTION RESPECTING THE PROHIBITION OF NIGHT WORK FOR WOMEN IN INDUSTRIAL EMPLOYMENT, CONCLUDED AT BERN IN 1906.

ARTICLE 1. Night work in industrial employment shall be prohibited for all women without distinction of age, with the exceptions hereinafter provided for.

The present convention applies to all industrial undertakings in which more than ten men or women are employed: it does not in any case apply to undertakings in which only the members of the family are employed.

It is incumbent upon each contracting State to define the term "industrial undertakings." The definition shall in every case include mines and quarries, and also industries in which articles are manufactured and materials transformed; as regards the latter the laws of each individual country shall define the line of division which separates industry from agriculture and commerce.

<sup>1</sup> Report on the Employment of Women and Children and the Bern Conventions of 1906, prepared by the Organizing Committee for the International Labor Conference, Washington, D. C., 1919. London, pp. 16-19.



ART. 2. The night rest provided for in the preceding article shall be a period of at least 11 consecutive hours; within these 11 hours shall be comprised the interval between 10 in the evening and 5 in the morning.

In those States, however, where the night work of adult women employed in industrial occupations is not as yet regulated, the period of uninterrupted rest may provisionally, and for a maximum period of three years, be limited to ten hours.

ART. 3. The prohibition of night work may be suspended—

1. In cases of force majeure, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character.

2. In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

ART. 4. In those industries which are influenced by the seasons, and in all undertakings in case exceptional circumstances demand it, the period of the uninterrupted night rest may be reduced to 10 hours on 60 days of the year.

ART. 5. It is incumbent upon each of the contracting States to take the administrative measures necessary to insure the strict execution of the terms of the present convention within their respective territories.

Each Government shall communicate to the others through the diplomatic channel the laws and regulations which exist or shall hereafter come into force in their country with regard to the subject matter of the present convention as well as the periodical reports on the manner in which the said laws and regulations are applied.

ART. 6. The present convention shall only apply to a colony, possession, or protectorate when a notice to this effect shall have been given on its behalf by the Government of the mother country, to the Swiss Federal Council.

Such government, when notifying the adhesion of a colony, possession, or protectorate, shall have the power to declare that the convention shall not apply to such categories of native labor as it would be impossible to supervise.

ART. 7. In extra-European States, as well as in colonies, possessions, or protectorates, when the climate or the condition of the native population shall require it, the period of the uninterrupted night rest may be shorter than the minima laid down in the present convention provided that compensatory rests are accorded during the day.

ART. 8. The present convention shall be ratified and the ratifications deposited with the Swiss Federal Council by the 31st December, 1908, at the latest.

A record of this deposit shall be drawn up of which one certified copy shall be transmitted to each of the contracting States through the diplomatic channel.

The present convention shall come into force two years after the date on which the record of deposit is closed.

The time limit for the coming into operation of the present convention is extended from 2 to 10 years in the case of—

1. Manufactories of raw sugar from beet.
2. Wool combing and weaving.
3. Open mining operations, when climatic conditions stop operations for at least four months every year.

ART. 9. The States nonsignatories to the present convention shall be allowed to declare their adhesion to it by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting States.

ART. 10. The time limits laid down in article 8 for the coming into force of the present convention shall be calculated in the case of nonsignatory States as well as of colonies, possessions or protectorates, from the date of their adhesion.

ART. 11. It shall not be possible for the signatory States, or the States, colonies, possessions, or protectorates who may subsequently adhere, to denounce the present convention before the expiration

of 12 years from the date on which the record of the deposit of ratifications is closed.

Thenceforward the convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the Swiss Federal Council by the Government concerned, or, in the case of a colony, possession, or protectorate, by the Government of the mother country. The Federal Council shall communicate the denunciation immediately to the Governments of each of the other contracting States.

The denunciation shall only be operative as regards the State, colony, possession, or protectorate on whose behalf it has been notified.

In witness whereof the plenipotentiaries have signed the present convention.

Done at Bern this 26th day of September, 1906, in a single copy, which shall be kept in the archives of the Swiss Confederation, and one copy of which, duly certified, shall be delivered to each of the contracting States through the diplomatic channel.

#### STATES WHICH HAVE ADHERED TO THE INTERNATIONAL CONVENTION OF 1906.

|                      |              |
|----------------------|--------------|
| Austria.             | France:      |
| Belgium.             | Algeria.     |
| British Empire:      | Tunis.       |
| Great Britain.       | Germany.     |
| New Zealand.         | Italy.       |
| Ceylon.              | Netherlands. |
| Fiji Islands.        | Portugal.    |
| Gibraltar.           | Spain.       |
| Gold Coast.          | Sweden.      |
| Leeward Islands.     | Switzerland. |
| Northern Nigeria.    |              |
| Trinidad.            |              |
| Uganda Protectorate. |              |

#### COMMISSION ON EMPLOYMENT OF CHILDREN.

Chairman, Sir Malcolm Delevingne (Great Britain).

Government delegates:

Mr. Carlos Armenteros y Cardenas (Cuba); Sir Macolm Delevingne (Great Britain); Mr. G. Fasolato (Italy), substitute for Baron Mayor des Planches; Mr. H. Warrington Smyth (South Africa); Mr. J. Sousek (Czecho-Slovakia); Mr. Hans Sulzer (Switzerland); Dr. T. Uyeda (Japan), substitute for Dr. M. Oka.

Employers' delegates:

Mr. E. Baroni (Italy); Mr. E. Cantacuzéne (Greece); Mr. Marcel Fraipont (Belgium), substitute for Mr. Jules Carlier; Mr. Henry (France), substitute for Mr. Louis Guérin; Mr. Sanji Muto (Japan); Mr. A. R. Murray (India); Mr. Alfonso Sala (Spain).

Workers' delegates:

Mr. Edmund Bernatowicz (Poland); Miss Mary MacArthur (Great Britain); substitute for Mr. G. H. Stuart-Bunning; Mr. F. L. Caballero (Spain); Mr. Peder Hedeboel (Denmark), substitute for Mr. C. F. Madsen; Mr. N. M. Joshi (India); Mr. Lenoir (France), substitute for Mr. Léon Jouhaux; Mr. J. Vidnes (Norway), substitute for Mr. Ole Lian.

Secretary, Miss Grace Abbott (United States).

#### REPORT OF THE COMMISSION ON EMPLOYMENT OF CHILDREN, UPON THE AGE OF ADMISSION OF CHILDREN TO EMPLOYMENT.

The commission on the employment of children presents its report on the first of the two subjects referred to it, viz., the age of admission of children to employment. It has decided to recom-



mend the adoption of the draft convention prepared by the organizing committee, with certain modifications. The convention as modified is attached to this report.

1. *Age of admission.*—The proposal to fix the age of admission at 14 was adopted by a unanimous vote of the commission after proposals to raise the limit to 15 and 16 years, respectively, had been brought forward and defeated by large majorities. In joining in the unanimous vote to recommend the age of 14, the members who had urged the adoption of the higher limit asked that it should be made clear that they did so in view of the fact that it would bring a considerable advance on the present conditions in a number of countries and on the understanding that they regarded it as a transitional measure toward the adoption of a higher limit later on.

2. *Application of convention.*—The limiting of the convention at present to industrial work was also, after considerable discussion, unanimously adopted. Proposals were made to extend the scope of the convention to commerce, agriculture, and all other kinds of employment. The discussion of these proposals made it clear that the extension would not be generally acceptable, and it was urged that the matter could not be satisfactorily considered at the present conference as the proposals had not been examined and reported on by the organizing committee and no representatives of agriculture and other employments were present at the conference. The commission, on a vote, was found to be equally divided, and finally it was unanimously agreed to recommend:

(a) That the convention should be limited at present to industrial undertakings.

(b) That the conference should pronounce in favor of the limitation of the age of admission to agricultural, commercial, and other occupations, and that the question should be referred to the International Labor Office for consideration with a view to the question being brought up at the International Labor Conference next year.

3. *Exceptions.*—Proposals were submitted by the Belgian employers' delegate and supported by the Italian Government delegate and the Spanish employers' delegate to allow a transitional period, during which it should be permissible to employ children who had completed their elementary education in accordance with the educational laws of their country between the ages of 13 and 14. It was urged that it would not be possible to make the arrangements for continuing the education of the children up to the age of 14 within the period of grace allowed by the draft convention, that is, before the 1st of January, 1922, especially in Italy and Greece, where the educational limit at present is 12. The workers' representatives on the commission, on the other hand, proposed to advance the date on which the convention should come into force from January 1, 1922, to January 1, 1921. It was pointed out that, as the treaty allows the Government of a State 12 months within which to bring the draft convention before the legislative authority and to pass the necessary legislative measures, it would not be practicable to bring the convention into force by the 1st of January, 1921. It was finally decided, by a majority of 10 to 5, to leave the date as proposed in the draft convention, but it was agreed that the attention of the International Labor Office should be called to the difficulties which would arise in those countries where there is considerable gap between the age of admission to employment as proposed by the convention and the age at which the education of children is completed, and that the office should be asked to approach the Governments concerned, with a view to the necessary provisions being made.

4. *Definition of industrial undertakings.*—As the definition of industrial undertakings will be discussed in other conventions, it was agreed that the commission should not deal with the question.

5. *Article 2.*—It was unanimously agreed to adopt a revised text of this article, with a view to making the object of the article clearer.

6. No question arose on article 3.

7. *Application of the convention to oriental countries.*—The commission referred the question of the application of the draft conven-

tion to the oriental countries to a subcommission consisting of representatives of India, China, Japan, Persia, and Siam under the chairmanship of Mr. G. Bellhouse. A careful examination of the subject was made by the subcommission and was afterwards fully considered by the entire commission. As a result of the discussion it was agreed by a large majority that the following modifications in the application of the convention should be recommended:

(1) In Japan:

(a) The minimum age should be 14, but a child over 12 years of age may be admitted into employment if he has finished the course in the elementary school.

(b) The provision in the present law admitting children under 12 to certain light and easy employment shall be repealed.

(c) As regards children between 12 and 14 who have been employed, the Government reserves the right to make transitional regulations.

(2) In the case of India and other oriental countries, the commission regrets that it has not been able to submit a final recommendation. The Indian Government delegate stated that the Indian Government was at the present moment considering the question, which was closely bound up with the introduction of an educational system into India, and had not arrived at a decision. Moreover, proposals of the organizing committee had not been received in India before the departure of the delegates, and they had therefore been unable to consult them with reference to the report. In these circumstances it was proposed that the question of the application of the convention should be deferred until the International Labor Conference of 1920, with a view to the conference being placed in possession of the proposals of India and the other Governments and a supplementary report being then adopted. (It was pointed out by the Government delegate from South Africa that a similar question arose with reference to the employment of Indian and native labor in South Africa and that the decision there must depend on the policy adopted by the Indian Government.)

A counter proposal was made that in the oriental countries the age of admission should be fixed at 12 for (a) factories with mechanical power and employing not less than 10 persons, (b) mines and quarries, (c) railroads, and (d) docks. It was decided by a majority of 6 to 2 to adopt the first proposal, and to make a recommendation to the conference accordingly.

8. It was decided by a large majority to omit article 5, which provides that the convention may be suspended in any country by order of the Government in the event of war or of imminent danger of war.

(Signed) MALCOLM DELEIVINGNE, *Chairman.*

#### APPENDIX.

#### DRAFT OF A CONVENTION TO FIX THE AGE OF ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT AT 14 YEARS.

1. Children under the age of 14 years shall not be employed or work in any industrial undertaking (public and private and to all branches thereof of whatsoever kind) other than an undertaking in which only the members of the family are employed.

Industrial undertakings shall be deemed to include the following:

(a) Mines and quarries.

(b) Industries in which articles are manufactured, altered, repaired, ornamented, finished, or adapted for sale, or materials are transformed (including the generation and transformation of electricity, shipbuilding, laundry work).

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction,



and the preparation for and laying the foundations of any such work or building.

(d) The transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and at warehouses, but excluding transport by hand.

The national law shall define the line of division which separates industry on the one side and commerce and agriculture on the other.

2. This convention shall not be deemed to apply to work done by children in technical schools, provided such work is approved and supervised by the authorities in accordance with the national law of each country.

3. In order to facilitate the enforcement of the provisions of this convention, every employer in an industrial undertaking shall be required to keep a register of children employed by him and of the dates of their birth.

4. In the application of the convention to Japan the following modifications may take effect:

(a) The minimum age shall be 14, but a child over 12 years of age may be admitted into employment if he has finished the course in the elementary school.

(b) The provision in the present law admitting children under 12 to certain light and easy employment shall be repealed.

(c) As regards children between 12 and 14 who have been employed, the Government reserves the right to make transitional regulations.

5. The provisions of this convention shall be brought into force not later than the 1st of January, 1922.

#### RECOMMENDATIONS OF THE ORGANIZING COMMITTEE UPON THE AGE OF ADMISSION OF CHILDREN TO EMPLOYMENT.<sup>1</sup>

The committee submits for the consideration of the conference a draft convention prohibiting the employment in industrial work of children below the age of 14 years.

#### DRAFT OF A CONVENTION TO FIX THE AGE OF ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT AT 14 YEARS.

1. Children under the age of 14 years shall not be employed or work in any industrial undertaking other than an undertaking in which only the members of the family are employed.

Industrial undertakings shall be deemed to include the following:

(a) Mines and quarries.

(b) Industries in which articles are manufactured, altered, repaired, ornamented, finished, or adapted for sale, or materials are transformed (including the generation and transformation of electricity, shipbuilding, laundry work).

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction, and the preparation for and laying the foundations of any such work or building.

(d) The transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and at warehouses, but excluding transport by hand.

The national law shall define the line of division which separates industry on the one side and commerce and agriculture on the other.

2. In the case of children between 13 and 14, whose education under the national law includes technical training, this convention shall not prohibit such technical training being given by way of employment in industrial undertakings, in accordance with the direction and subject to the control of the educational authority.

3. In order to facilitate the enforcement of the provisions of this convention, every employer in an industrial undertaking shall be

required to keep a register of children employed by him and of the dates of their birth.

4. In those countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances render the industrial efficiency of the workers substantially different, the following modifications of the provisions of this convention may take effect:<sup>1</sup>

5. The provisions of this convention may be suspended in any country by order of the Government in the event of war or of imminent danger of war.

6. The provisions of this convention shall be brought into force not later than the 1st January, 1922.

#### REPORT OF THE COMMISSION ON THE EMPLOYMENT OF CHILDREN UPON THE EMPLOYMENT OF CHILDREN DURING THE NIGHT.

The commission on the employment of children has the honor to present its report on the second question referred to it—the employment of young persons during the night.

They recommend the adoption by the conference of a convention adopting the proposals continued in the draft appended to this report.

The question of the employment of young persons during the night was considered by an International Conference at Bern in 1913. That conference recommended the adoption of an international convention to prohibit employment at night of persons below the age of 16 years subject to certain exceptions, but the outbreak of war prevented any action being taken on the proposal. The subject has been further examined by the organizing committee in the light of the replies received to their questionnaire, and in their report on the question they have suggested that the conference should consider the desirability of raising the age limit from 16 to 18. A draft convention based on the draft prepared at Bern, but embodying the higher age limit, was submitted by the committee. The commission on children's employment decided to adopt the committee's draft as the basis for their consideration of the question.

*Article 1.*—After a full discussion of the subject the commission has unanimously decided to recommend that the employment of young persons at night should be prohibited up to the age of 18, but it recognized that, if the higher age limit were adopted, exceptions would be necessary for certain industries. The industries for which exceptions are considered to be required are those in which it is necessary, by reason of the nature of the process or to avoid waste of material or fuel, to carry on the work day and night by a succession of shifts. It is the almost universal custom in these industries for the shifts to take turns on night work and where boys are employed with men in work of this kind, it is necessary that they should be able to take their turns of night work with the men of their shift. The exceptions recommended have been carefully considered in consultation with the technical experts and it will be observed that the wording of the exceptions has been so phrased as to limit them to the actual work or process in the industry which is necessarily continuous. No permission should be given in other work in the industries mentioned which is not necessarily continuous.

In dealing with the remaining articles of the draft the commission has thought it best to depart as little as possible from the wording which was adopted at Bern. It may be possible after some experi-

<sup>1</sup> As in the case of the other subjects on the agenda the committee has been unable to make any suggestions as to the modifications required in the case of the countries mentioned in paragraph 2 of article 427 of the treaty as the replies from Japan, India, and some other countries had not been received, but they desire to record the following suggestion put forward tentatively by Mr. Oka (Japan):

(1) The limitation of the age of employment should be restricted to industrial undertakings in which more than 10 persons are employed, *i.e.*, should be subject to the same restrictions as those provided by Article 3 of the draft convention drawn up at Bern in 1913.

(2) The minimum age should be fixed either at 13 or 14 years, allowing exceptions in the case of children who have completed their course of elementary education.

<sup>1</sup> Report on the Employment of Women and Children and the Bern Conventions of 1906, prepared by the Organizing Committee for the International Labor Conference, Washington, 1919. London, pp. 49, 50.



ence of the working of the convention has been obtained to make some of the provisions more precise.

In article 2 the commission has unanimously agreed to a modification of the hours of the night rest to meet a difficulty which arises in some instances where the system of two-day shifts of eight hours each is in operation. In some countries (e. g. Belgium) an interval of one hour for purposes of meals and rest is required by law to be allowed during the period of work, and in such cases the two consecutive shifts cover a period of 18 hours, which is one hour longer than the period comprised between 5 a. m. and 10 p. m. The commission thought it desirable to make provision for these cases, in order not to make it necessary to reduce the rest interval allowed to the workers.

In article 3 it has introduced words to limit the application of the exception to young persons over the age of 16. It is recommended that the reports on the application of this article in the various countries should be obtained by the International Labor Office and that, if necessary, the question of making its provisions more precise should be submitted for further consideration at a subsequent conference.

As regards article 4, the conditions existing in the oriental countries were considered by the subcommission referred to in the commission's previous report. The proposals made by the subcommission were unanimously accepted by the commission.

Japan: The age below which night work is to be prohibited should be fixed at 15 for three years and at 16 thereafter, but no exceptions to be allowed other than those provided for in the convention. The limit of 15 years was recently fixed by the Japanese Legislature, but as it was not to take effect for a period of 12 years, the present proposal will effect a substantial advance on existing conditions. The Japanese employers have consented to the proposals.

India: The age is to be fixed at 14 for boys and 18 for girls. The provisions of the convention will apply only to factories as defined in the national law, and the commission strongly recommends for the consideration of the Indian Government that the present provision in that law which limits its application to industries employing 50 persons or more should be modified and all factories employing at least 20 persons brought under the provisions relating to the prohibition of night work.

The law already includes a provision which enables the Government to extend the law to such factories, and the power has already been exercised to a considerable extent.

As regards the other countries, the information available at present is insufficient to enable the commission to make definite proposals, and it is suggested, therefore, that the question of the application of the convention to these countries should be deferred until the International Labor Conference of 1920.

The commission has restored a provision which appeared in the Bern draft convention of 1913, but was omitted in the draft of the organizing committee, allowing a modification of the period of rest in tropical countries where the heat necessitates a suspension of work during the middle of the day.

A proposal was also submitted by the employers' delegate from Belgium to restore the exception which appeared in the Bern draft convention, but was omitted in the organizing committee's draft, allowing employment of boys between 14 and 16 in certain kinds of glass manufacture and in the steel mills for a transitional period of 10 years. It was very strongly urged that in the present condition of Belgium industries resulting from the wars and the occupation of Belgium by the German armies, an immediate prohibition of the employment of boys under 16 at night would cripple these industries. The proposal was supported by the French employers' delegate.

The commission was very unwilling to agree to so long a delay in the application of the principle adopted in the draft convention, and it was felt that it would be better that the conference, before coming to a decision, should wait and see what progress was made

in the reconstruction of the industry in these regions during the two years which will elapse before the draft convention comes into operation. They have unanimously decided therefore to submit the following proposal: that in the devastated regions and in the regions in which work was interrupted for a long period during the war by the occupation of the armies, the prohibition of night work for young persons between 14 and 16 years of age in pursuance of this convention shall be referred for a final decision to the International Labor Conference of 1921.

Finally, the commission recommends that the date on which the convention shall come into operation should be July 1, 1922. It is understood that this is the date on which the draft convention on the employment of women at night will come into operation, and it will be convenient that the two conventions should take effect at the same time.

A motion has been filed by the Spanish employer's delegate for the adoption in connection with the convention of a resolution on the subject of technical education. This question does not come within the scope of the reference to the commission, neither did it have the time or the information necessary to enable it to study the subject. It has not therefore considered the motion.

(Signed) MALCOLM DELEVINGNE, *Chairman*.

#### APPENDIX.

#### DRAFT OF AN INTERNATIONAL CONVENTION TO PROHIBIT THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY.

ARTICLE 1. Subject to the exceptions hereinafter provided young persons under 18 years of age shall not be employed at night in an industrial undertaking, public or private, and all branches thereof of whatsoever kind, other than an undertaking in which only the members of the family are employed.

Industrial undertakings shall be deemed to include the following:

(a) Mines and quarries.

(b) Industries in which articles are manufactured, altered, repaired, ornamented, finished, or adapted for sale, or materials are transformed (including the generation and transformation of electricity, shipbuilding, laundry work).

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic, or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, and the preparation for and laying the foundation of any such work or building.

(d) The transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and at warehouses, but excluding transport by hand.

The national law shall define the line of division which separates industry on the one side and commerce and agriculture on the other.

ART. 2. The period of rest during the night provided for in Article 1 shall comprise at least 11 consecutive hours, which shall include the period between 10 p. m. and 5 a. m.

In industries in which work is divided into two shifts the first shift may begin at 4 a. m. and the second may finish at 10 p. m., or the first shift may begin at 5 a. m. and the second may finish at 11 p. m.

In tropical countries where work is suspended during the middle of the day, the period of rest at night may be less than 11 hours, provided that compensatory rests are accorded during the day.

In coal and lignite mines an exception may be made in regard to the period of rest provided in the previous paragraph, when the interval between the two periods of work usually amounts to 15 hours, but in no case in which it amounts to less than 13 hours.

In States where night work is prohibited by the national legislation for all workers employed in baking, the period from 9 p. m. to 4 a. m. may be substituted in that industry for the period from 10 p. m. to 5 a. m., provided in paragraph 1.

ART. 3. The prohibition of night work shall not apply to young persons over the age of 16 who are employed in the following in-



dustries or work which is required by the nature of the process or to avoid the waste of fuel or material to be carried on continuously day and night.

(a) Manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used; and galvanizing of sheet metal and wire (except the pickling process).

(b) Glassworks.

(c) Manufacture of paper.

(d) Manufacture of raw sugar.

ART. 4. The prohibition of night work for young persons over 16 years of age may be suspended—

(a) If the State or public interest requires it;

(b) When some emergency which the employer could not control or foresee, and which is not of a periodical character, occurs to interfere with the normal working of the undertaking.

ART. 5. The provisions of the present convention are applicable to girls of less than 18 years of age whenever these provisions involve greater restrictions on the period of employment than those provided by the Bern convention on the night work of women of the 26th day of September, 1906.

ART. 6. In the application of this convention to Japan and India, the following modifications of the provisions of this convention may take effect:

(a) In Japan, "15 years of age" for the first three years after the convention comes into operation, and thereafter 16 years of age shall be substituted in article 1 as the age below which the employment of young persons at night shall be prohibited.

(b) In India the convention shall apply only to persons employed in factories as defined by the Indian factory act; and in the case of male young persons, 14 shall be substituted in article 1 as the age below which employment at night shall be prohibited.

ART. 7. The provisions of this convention shall be brought into force not later than July 1, 1922. In its application to the regions which have been devastated by the war or in which work has been interrupted for a long period by the occupation of the armies, the prohibition of night work for young persons between 14 and 16, as provided for by this convention, shall be referred for final decision to the International Labor Conference of 1921.

#### RECOMMENDATIONS OF THE ORGANIZING COMMITTEE ON THE EMPLOYMENT OF YOUNG PERSONS DURING THE NIGHT.<sup>1</sup>

The draft convention adopted at Bern in 1913 will require some alteration in drafting to make it correspond with the draft conventions submitted by the organizing committee in regard to the 48-hour week and the age of admission of children, etc., particularly in respect of the definition of industrial processes. The organizing committee also suggests that the conference should consider the desirability of raising the age up to which the prohibition is to apply from 16 to 18, as recommended by several countries. They have therefore prepared for the consideration of the conference the draft convention below. As in the case of the other subjects of the agenda they have been unable to make any suggestions as to the modifications required in the case of those countries whose special circumstances are referred to in paragraph 2 of article 427 of the peace treaty, since replies from India, Japan and some other countries had not been received. They include, however, as a note to the draft convention, a tentative suggestion made by Mr. Oka (Japan).

#### DRAFT OF AN INTERNATIONAL CONVENTION TO PROHIBIT THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY.

ARTICLE 1. Young persons under 18 years of age shall not be employed at night in an industrial undertaking other than an

undertaking in which only the members of the family are employed.

Industrial undertakings shall be deemed to include the following—

(a) Mines and quarries.

(b) Industries in which articles are manufactured, altered, repaired, ornamented, finished or adapted for sale, or materials are transformed (including the generation and transformation of electricity, shipbuilding, laundry work).

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, and the preparation for and laying the foundations of any such work or building.

(d) The transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves and at warehouses, but excluding transport by hand.

The national law shall define the line of division which separates industry on the one side and commerce and agriculture on the other.

ART. 2. The period of rest during the night provided for in article 1 shall comprise at least eleven consecutive hours, which shall include the period between 10 p. m. and 5 a. m.

In coal and lignite mines an exception may be made in regard to the period of rest provided in the previous paragraph, when the interval between the two periods of work usually amounts to fifteen hours, but in no case in which it amounts to less than thirteen hours.

In States where nightwork is prohibited by the national legislation for all workers employed in baking, the period from 9 p. m. to 4 a. m. may be substituted in that industry for the period from 10 p. m. to 5 a. m. provided in paragraph 1.

ART. 3. The prohibition of night work for young persons may be suspended—

(a) If the State or public interest requires it;

(b) When some emergency which the employer could not control or foresee, and which is not of a periodical character, occurs to interfere with the normal working of the undertaking.

ART. 4. The provisions of the present convention are applicable to girls of less than 18 years of age whenever these provisions involve greater restrictions on the period of employment than those provided by the Bern convention on the night work of women of the 26th day of September, 1906.

ART. 5. In those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances render the industrial efficiency of the workers substantially different, the following modifications of the provisions of this convention may take effect:<sup>1</sup>

ART. 6. The provisions of this convention shall be brought into force not later than the 1st July, 1921.

#### COMMISSION ON UNHEALTHY PROCESSES.

Chairman, Dr. T. M. Legge (Great Britain).

Government delegates: Mr. Pierre Boulain (France); Dr. J. Camoesas (Portugal), substitute for Mr. Barbosa; Mr. S. Fasolato (Italy); Dr. Desire Glibert (Belgium); Dr. T. M. Legge (Great Britain); Mr. Charles Spinka (Czecho-Slovakia); Mr. G. J. van Thienen (Netherlands).

<sup>1</sup> Report on the Employment of Women and Children and the Bern Conventions of 1906, prepared by the Organizing Committee for the International Labor Conference, Washington, 1919. London, pp. 52-55.

<sup>1</sup> Mr. Oka (Japan) tentatively suggests that the following might be the provision for the States mentioned in the second paragraph of article 427 of the peace treaty:

(1) The extent of the application of this convention should be the same as that of the draft convention of Bern of 1913, i.e., it should only apply to industrial undertakings in which more than 10 persons are employed.

(2) The age limit should be 15 years for the first five years, and 16 years thereafter, as in the case of the Bern Convention.



Employers' delegates: Mr. E. Baroni (Italy); Mr. Georges Dalmagne (Belgium), substitute for Mr. Jules Carlier; Mr. Henry (France); Mr. D. S. Marjoribanks (Great Britain); Mr. Sanju Muto (Japan); Mr. G. Paus (Norway); Mr. Dietrich Schindler (Switzerland).

Workers' delegates: Mr. Luis Araquistain (Spain); Mr. G. Baas (Netherlands); Mr. Bideguarray (France); Mr. G. H. Stuart-Bunning (Great Britain); Mr. P. M. Draper (Canada); Mr. Conrad Ilg (Switzerland); Mr. Corneille Mertens (Belgium). Secretary, Dr. J. B. Andrews (United States).

#### REPORT OF THE COMMISSION ON UNHEALTHY PROCESSES

SIR: I have the honor to present to the conference the report of the commission appointed on the 6th instant to consider items Nos. 3 (c) and 4 (c) on the agenda, namely, the employment of women and children in unhealthy processes.

The commission met on four occasions, the 7th, 11th, 12th, and 13th of November, and the resolutions adopted are embodied in this report. The subjects on the agenda appealed to the members of the commission and led to animated discussions which, whether raised by representatives of Governments or employers or workpeople, were invariably fruitful. Indeed the interest shown was such that the only difficulty I, as chairman, experienced was in limiting discussion to matters which came within the scope of the agenda, such, for instance, as the employment of men as well as women and children in unhealthy processes. This difficulty appears to have been felt also by the organizing committee, as in their recommendation, on page 44 of their third report, they urge further inquiry into the question by the International Labor Office as it affects all workers, male and female.

At the second meeting, on November 7, two propositions were accepted:

(1) That in view of the necessity of defining exactly the meaning to be attached to "young persons" the commission reserves this term in its proposals to persons aged more than 14 completed years and less than 18.

(2) That as there is no sufficient scientific proof of the greater susceptibility of girls over boys to intoxication from industrial poisons or to other industrial diseases, no sex distinction is called for in regard to the protective measures to be applied to young persons.

The report of the organizing committee details the differing protection afforded on one and another country according to sex and the greater disability placed on the female sex by a higher age of admission in certain countries.

These resolutions make for clarity, and the mover, Dr. Glibert (Belgium) is a medical man with the widest possible knowledge of the subject. The only reservation made to this adoption came from M. Bidegaray (France), who insisted that, seeing the age of female young persons was a period fixed in France up to the age of 21, were this reduced to 18 a gap of three years would be left during which protection might be withdrawn. Obviously any legislation which may ensue would take account of this point.

The commission felt embarrassed by the absence of any definition of what constitutes an "unhealthy process," and as the time at their disposal was so short a subcommission was appointed, consisting of Dr. D. Glibert (Belgium), Mr. P. Boulon (France), Dr. S. Miall (Great Britain), with Lieut. Wauters (Belgium), assistant secretary, and myself, to consider what typical unhealthy processes could most usefully be considered by the commission and to make recommendations thereon. This subcommission did some hard work at its various sittings, of which the recommendations which follow are mainly the outcome. They urged the commission to limit discussion to (1) intoxication by lead; (2) infection from anthrax; and (3) intoxication by carbonic oxide gas.

All three affect men, women, and children in industry, and the general principles of exclusion or limitation of women and children in them will hold good for practically all other unhealthy processes.

What is, then, the general principle which should be applied in the case of women? That arrived at is one which will probably commend itself to all, namely, only where interference with the function of maternity can be shown to exist should women's employment be made a bar, and lead has been proved medically to be the chief if not the only intoxication in which this danger is present. Applying this principle, therefore, to lead industries the commission passed unanimously the following resolution:

#### (A) PLUMBISM (WOMEN).

Although absolute proof is lacking that women are considerably more susceptible than men (the figures given in the English statistics seem to show that women are proportionally more often attacked in this respect), her rôle as mother makes it necessary to consider special precautions.

Consequently we considered first the employment of women in industries and processes exposing to intoxication and the processes from which exclusion of women should be absolute.

We reviewed successively the metallurgy of lead and processes ancillary thereto, secondly the manufacture of the salts of lead, and thirdly use of the latter. The conclusions arrived at are submitted as follows:

#### PROHIBITION OF THE EMPLOYMENT OF WOMEN.

The prohibition of the employment of women is advised in the following processes:

- (a) Furnace work in the reduction of zinc and lead ores.
- (b) Processes in the manipulation, preparation and reduction of ashes containing lead, and the desilverizing of lead.
- (c) In melting on a large scale lead and old zinc.
- (d) In the manufacture of solder and alloy containing more than 10 per cent lead.
- (e) In the manufacture of litharge, massicot, minium, white lead, orange lead, sulphate, chromate and silicate (frit) of lead.
- (f) In certain operations in the manufacture and repair of electric accumulators (especially mixing and pasting).
- (g) In the cleaning of workrooms where the above processes are carried on.

In order to overcome the difficulties which may arise in certain circumstances of scarcity of male labor, we are of opinion that the prohibition of the employment of women in the above specified processes should be made the subject of regulation even in the countries which, up to the present, have never employed women in these processes.

#### REGULATION OF THE EMPLOYMENT OF WOMEN.

So far as processes involve the use of salts of lead where the employment of women is permitted, we consider that, apart from technical requirements, such as localized ventilation, cleanliness of tools and workrooms, the following additional precautions should be imposed:

- (a) Notification of and compensation for all cases.
- (b) Periodic medical examination of the persons employed.
- (c) Provision of sufficient and suitable cloak-room, washing, and mess-room accommodations and of special protective clothing.
- (d) Prohibition of bringing food and drink into the workrooms.

We are of the opinion that where soluble salts of lead could be replaced by those of a nontoxic nature stringent regulations should be enforced where noxious substances continue to be used.

In regard to the standards as to soluble salts of lead, the commission, so far as the pottery industry is concerned, is satisfied with the definition contained in the British and Dutch regulations. In other industries the commission proposes to adopt as a basis for definition and standard in future regulations the following formula: A compound of lead shall be considered as soluble if it contains not more than 5 per cent of its weight estimated as metallic lead soluble in a 0.25 per cent solution of hydrochloric acid.

#### (B) PLUMBISM (YOUNG PERSONS).

In regard to young persons the commission considers that the protection deemed necessary for women in the processes enumerated above are to apply equally to young persons because of their ignorance and carelessness and to allow for their physical development.

The commission is, moreover, of opinion that the question of further exclusion or regulation affecting young persons might usefully become the object of later study, the conclusions of which would be presented at the next International Labor Conference.

In illustration of the reasons for these recommendations, the commission had presented to them charts showing graphically the figures in Appendix V (c) of the organizing committee's report. Briefly this effect in general is that women's employment in industries (a) where lead is used in the pure metallic solid form either alone or in alloys (e. g., soldering, letterpress printing, brass polishing), will be unrestricted; (b) where fumes and dust are incidental to the nature of the processes carried on and can not sufficiently, in the present state of knowledge, be controlled (class 1), so as to prevent the risk of derangement of the uterine function they will be excluded; and (c) where fumes and dust are incidental but can be sufficiently con-



trolled so as to minimize the particular danger (class 2) they will be employed subject to adoption of the necessary precautions. Exclusion of women from class 1 is dictated by application of the principle enunciated and not at all by reason of the fact that, at the present time, practically no women are employed in class 1 (a), (b), (c), (d), and (e), owing to the heavy nature of the processes carried on.

Adoption of the principle may affect the view of certain Governments as to the attitude assumed hitherto in regard to this question as, for example, France and Argentina (Appendix V (a) and (b)), to which more than one reference is made in the organizing committee's report.

This is the place to refer to a motion proposed by Mr. Bidegaray (France) that the commission concern itself with the prohibition of the use of white lead in house-painting operations. The terms of the agenda made it impossible to allow this, but nevertheless I express the general feeling of the commission in pointing out the importance of the subject and saying how action has already been taken in certain countries and the subject been studied in others. Consequently the commission was of opinion the subject should be referred to the International Labor Office to be placed on the agenda at the next conference.

#### MERCURY.

Analogous to the question of possible disuse of white lead in house-painting operations is that of disuse of nitrate of mercury in felt hat making. For many years past a substitute for this industrial poison, to the baneful effects of which in hatters furriers processes many women and young persons are exposed, has been sought. The commission therefore resolved:

That in view of the fact that experiments in France appear to have been entirely successful in showing that the use of nitrate of mercury in the process of "Carrotting" rabbit fur (i. e., brushing the fur with a solution of the salt in question) is unnecessary, the commission is of the opinion that the question of prohibiting the use of mercury in hatters furriers processes should be submitted to the International Labor Office with the object of having it placed on the agenda at the next International Conference.

#### CARBONIC-OXIDE GAS.

In recent years there has been great extension of the manufacture and use of water gas and other gases of a similar nature (suction gas, power gas, producer gas, blast-furnace gas, etc.) for driving gas engines, heating furnaces and boilers in factories, welding, soldering, and other industrial purposes. The particular danger associated with all these gases is that of poisoning by carbonic oxide, which is present in them in a proportion varying from 10 to 30 per cent. Danger to the workman is present from inhalation of air containing only 0.25 per cent of the gas. On the motion of Dr. Glibert (Belgium), therefore, the commission resolved:

As carbonic oxide gas is the poison most frequently encountered in industry and the danger from it becomes greater daily owing to its increasing use in power gas plants, etc., the International Labor Office should place on the agenda of the next conference the question of the study of the dangers arising from this gas, the symptoms (acute and chronic) it gives rise to and the means of safeguarding the workers from the effects.

The commission also felt called upon to express certain general considerations affecting the questions referred to it, as follows:

It should be referred to the International Labor Office to draw up a list of the principal processes to be considered as unhealthy, and that, in view of the recommendations made on pages 42 and 43 of the English edition of the report of the organizing committee on the employment of women and children in unhealthy processes which necessarily presuppose medical knowledge, a health section should be formed in the International Labor Office which would keep in touch with the medical departments of the Government offices charged with the application of factory laws. Further following up the wish formally expressed by all the members represented, the committee is convinced of the necessity of the International Labor Conference suggesting to the Governments which have not already set up a medical organization of the kind, that they should make provision for a service specially charged with the duty of safeguarding the health of the workers, in addition to a system of efficient factory inspection.

Emphasis should be laid on the fact that the second paragraph of the above resolution was a spontaneous expression of opinion emanating from representatives of the workers and employers alike, and was not prompted by any government representative.

Finally, the following resolution was adopted reiterating and applying generally the recommendation already made in regard to notification of plumbism and compensation in all cases.

The commission on unhealthy processes, regretting that it has not been able to cover all subjects coming under this classification, expresses the hope that medical inspection to safeguard the health of the workers will be instituted in all countries; that disability due to occupational diseases, like disability resulting from industrial accidents will be compensated; and that all such cases of occupational disease will be notified by physicians.

All the resolutions referred to hitherto carry out the recommendation expressed on pages 44 and 59 of the third report of the organizing committee, "that the International Labor Office be instructed to continue their inquiries into the question as it affects all workers, male and female, and to prepare a report and recommendations for the next and subsequent conferences."

#### ANTHRAX.

There remains one matter on which the commission felt it was justified in asking the conference to proceed more directly by way of a draft international convention, as on the lines stated in article 19 of the labor section of the peace treaty. This concerns the disinfection of wool to guard against the danger of anthrax. In an appendix to this report I have outlined the stage that this question has reached so far as Great Britain is concerned, and need not therefore refer to it in detail here. The resolution of the committee is as follows:

In view of the world-wide prevalence of anthrax among certain kinds of animals, and considering that workers handling wool, horsehair, and hides and skins of animals which have died of anthrax in far distant countries, can and sometimes do contract the disease, it is a matter of urgency that international action be taken as the only means of preventing the spread of this disease from animals to man.

And seeing that it has been established that disinfection of wool containing anthrax spores can actually be effected, the commission begs the International Conference to intervene by means of a convention requiring the disinfection of wool from countries recognized as particularly dangerous or, if this is not possible, then at the port of arrival.

So far as horsehair for the manufacture of brushes is concerned, disinfection in the factory, although not so satisfactory as disinfection in the country of origin, is possible and should be required. For horsehair intended for weaving or the manufacture of mattresses, as well as for the handling of the hides and skins of every kind, the commission expresses the hope that researches, similar to those of the departmental committee of Great Britain on the prevention of anthrax in wool and hair, may lead before long to a satisfactory solution of the problem. Meanwhile, the committee strongly urges on the countries interested applications of a medical nature, such as early recognition and treatment which would have for its effect diminution in mortality from anthrax.

(Signed) T. M. LEGGE,  
Chairman.  
J. B. ANDREWS,  
Secretary.

#### APPENDIX.

##### ANTHRAX IN GREAT BRITAIN.

Anthrax is a fatal disease affecting certain animals, which may be conveyed from them to man by the handling of hides, wool, horsehair, or bristles of animals which have died of the disease. (Anthrax in man has also been traced occasionally to the unloading of other cargoes, such as grain.)

The germs of the disease (anthrax spores) are found in the dirt and dust on the material, and may remain active for years, but even material which looks quite clean may harbor them.

In this country and Australia, anthrax among animals is rare, but in Asia, Russia, and in some other parts of the world, the disease is common, and infected material is often shipped to British ports.

The disease is communicated to man sometimes by breathing or swallowing the dust from the material, but much more often by the poison lodging in some break of the skin, such as a fresh scratch, a cut, or a scratched pimple, or by dirty hands or finger nails carrying the poison to the spot. This happens more readily on the uncovered parts of the body, the hand, arm, face, and most frequently of all on the neck.

Anthrax cases increased noticeably during the war, but deaths from it fortunately not in the same proportion. The following



table comparing the two five-year periods, 1909-1913, and 1914-1918, brings out the industries in which increase has been shown:

| Product.              | 1909-1913 |         | 1914-1918. |         |
|-----------------------|-----------|---------|------------|---------|
|                       | Cases.    | Deaths. | Cases.     | Deaths. |
| Wool.....             | 165       | 26      | 242        | 31      |
| Horsehair.....        | 34        | 5       | 20         | 6       |
| Hides and skins.....  | 79        | 11      | 94         | 11      |
| Other industries..... | 10        | 3       | 18         | 3       |
| Total.....            | 288       | 45      | 374        | 51      |

*Anthrax in wool.*—During the past 40 years effort has been made to control the danger to the operatives from anthrax in infected wool and hair coming from southern, central, and western Asia, South Africa, and Peru, by attempting, among other things, to remove dust by downward exhaust ventilation, separating out fallen fleeces and blood-stained material and warning the workers of the need for early treatment, by means of illustrated placards showing the nature of the disease. Despite this, although the mortality rate has been lessened, probably as the result of earlier and better methods of treatment, the increase in the number of cases during the period of the war is very noticeable. The reason why regulations in the woolen and worsted industries have failed of effect is that anthrax caused as industrial poisoning is, by a known chemical compound or other inanimate substances used in manufacture, but by a living organism accidentally attached to the material handled and giving no evidence of its presence. All the remedies outlined above have been directed to treating the effect and not the cause.

Only two ways of getting at the cause are possible—either to prevent animals from contracting anthrax or to destroy the spores before the fleece or hair is handled. No one can entertain hope that the nomadic tribes in central Asia will take steps to stamp out the disease in animals. On the other hand, if disinfection were practicable, although the problem appalls by its magnitude, manufacturing countries would try and see that it was done in the case of the dangerous classes of wool coming from central and southern Asia. Australian and New Zealand wool is fortunately so free from risk that disinfection is not necessary. Steam, while destroying anthrax spores, destroys the wool for manufacturing purposes. Researches, however, carried out during the war in Bradford by a disinfection subcommittee of the anthrax committee on which the expert members were the secretary, Mr. G. Elmhirst Duckering, himself a skilled chemist, and Dr. F. W. Eurich, bacteriologist of the anthrax investigation board of Bradford, showed, after some 130 experiments, that wool containing highly infected blood clots could be rendered sterile by treatment involving, first agitation for 20 minutes in warm water containing soap solution and a little sodium carbonate, assisted by squeezing through rollers, subsequently treating the wool in a bath of warm water containing 2½ per cent formaldehyde, again assisted by squeezing through rollers, and finally drying in a current of hot air.

To carry this scheme out powers for compulsory disinfection and the erection of Government disinfection stations are necessary, and legislation for this purpose has been taken. An act has been passed for the prohibition, by order in council, of the importation of goods infected with anthrax, and authorizes a Secretary of State to arrange for the disinfection of infected goods. Money has been voted for the erection of a trial disinfecting station at Liverpool for the disinfection of the most dangerously infected wool and goat hair.

#### SUGGESTIONS AND RECOMMENDATIONS OF THE ORGANIZING COMMITTEE FOR INTERNATIONAL ACTION REGARDING EMPLOYMENT IN UNHEALTHY PROCESSES.<sup>1</sup>

##### PROSPECTIVE ACTION.

If it be agreed, as in principle has already been admitted, that the conditions in unhealthy trades are a proper field for international action, especially where women and young persons are concerned,

<sup>1</sup> Report on the Employment of Women and Children and the Bern Conventions of 1906, prepared by the organizing committee for the International Labor Conference, Washington, 1919. London, pp. 42-44

it follows that that line of action is to be preferred which promises the most fruitful results for industry and the worker in industry alike. It seems clear that this will be found, not in a more general or rigorous exclusion of special classes of workers from certain trades and processes, but in a successful endeavor to make these safe and harmless for all comers.

Here is a great task, laborious as well as lofty, demanding in most instances time for inquiry and experiment. While this preliminary part of the work can and should be carried out by each State within its own borders, working through its own officials and laboratories, the work as a whole would receive a strong stimulus if, when the International Labor Office is set up, there were constituted within it a branch charged with the duty of encouraging all study and experiment, having as their end the elimination of the dangers attending employment in unhealthy processes. It should be a principal duty of that office to ascertain the existing industrial conditions in the different countries, to stimulate research with a view to their improvement, and, where it may be necessary, to undertake research itself. The labor laws of the States taking part in the International Conference, in so far as they apply to dangerous and unhealthy trades, are at present extremely unequal in scope, and at times inconsistent in principle; the importance of extending their range where this is too narrow, and of giving them a common orientation on agreed lines, is obviously of great importance, alike on humane and on economic grounds. A coordinating international body could do much to achieve this desirable end.

It might also, from time to time, redirect the attention of Governments to problems of protection attacked but left unsolved by earlier inquiry (the occurrence of scrotal epithelioma or "pitch cancer," in makers of patent fuel will serve as an illustration of cases in mind). Science breaks fresh ground continually. The problem which appeared insoluble a few years ago may have its unsuspected solution waiting, ready-made, for it to-day, won by researches in other parts of the field of knowledge; or the inquiry baffled in one country may be transferred with success to another.

Again, where the most notable gains have been made, international action becomes necessary to place them at the service of humanity at large. Here an illustration is at hand in the newly devised British measures for dealing with anthrax infection.

##### IMMEDIATE ACTION.

In respect of the questions touched on in the previous paragraphs, the necessity of time for inquiry and discussion before proceeding to international regulations may be granted. It does not, however, follow that there are no questions of this kind ripe for common action without delay. Certain steps in the promotion of means for diminishing effectively the risks of employment in unhealthy processes could be taken at once.

First, a comparative study might be made by the International Labor Office of the measures established in different countries to deal with unhealthy trades, the methods of administering them and their results. This would bring to notice any defects in these measures, any special points of excellence which could be recommended for general adoption, and the questions on which further investigation was needed. Where the need of continued research was shown, this could be organized by the International Labor Office.

Again, agreements might be promoted for putting into immediate force certain well-established principles, such as the prohibition of the use of raw or unfritted lead in manufacture and the carrying on of unhealthy processes in domestic premises, where it is impossible to apply necessary safeguards. The present exemption from regulations in some countries of factories and workshops employing less than a certain number of workers might also with great advantage form the subject of early agreements with a view to its abolition. Experience shows that in small factories and workshops, owing to their frequently faulty construction and poor equipment, the worker engaged in an unhealthy process is often exposed to greater risks than in large ones, and in such establishments, therefore, stands in at least equal need of the protection which can be given by law. So long as the smaller class of work places remains exempted from



the obligation to adopt the prescribed safeguards for health, it is hopeless to anticipate the stamping out of industrial disease, especially in those countries and trades where the work place employing a small personnel abounds.

In the case of anthrax common action will be needed to control the importation of infected wool, hides and skins, and hair, in order that the means now proved efficacious for disinfection before the materials are handled in the factory may be applied for general prevention of anthrax.

#### RECOMMENDATION.

The organizing committee expresses the view that unhealthy processes can and ought to be made the subject of regulations based on the principles which the general experience of the different industrial countries has shown or may show to be effective. Some of these have already been indicated in general terms above, e. g., prevention of dangerous dusts and fumes entering the air of the workroom, provisions for personal cleanliness, substitution of harmless materials, etc. The processes to be dealt with are extremely complicated. The regulations in force in the different countries are elaborate and the committee has not had sufficient time or information to prepare a satisfactory scheme. It accordingly recommends that the International Labor Office be instructed to continue its inquiries into the question as it affects all workers, male and female, and to prepare a report and recommendations for the next and subsequent conferences.

#### CONCLUSIONS AND SUGGESTIONS OF THE ORGANIZING COMMITTEE ON THE EMPLOYMENT OF WOMEN AND YOUNG PERSONS IN UNHEALTHY PROCESSES.<sup>1</sup>

It seems probable that many of the more sweeping exclusions shown in the tables were originally based on an unhelpful view of the future conditions of industry which the experience of the last few years has done much to dissipate. That experience encourages the belief that trades and processes which were at one time inevitably injurious to health may be made perfectly safe and wholesome by the observance of proper precautions, or the substitution of different elements in manufacture. This being so, it should become possible to exchange exclusion for regulation in certain instances, and it can not be doubted that from the point of view of industry and employment this is most desirable. To take an example: the manufacture of scientific instruments offers the opportunity of a skilled career to the learner, and many of the processes are of a light nature, well suited to the capacities of young persons, whether boys or girls. But some of these involve the use of mercury and in many countries young persons are consequently excluded from them. At the present stage of efficiency reached by protective measures, it should be possible to remove this bar of exclusion, and under careful regulation to open a fresh and promising field of labor to those just entering industry.

There remain certain groups of industries and processes which, for the present at least, can not be made wholly safe. Research and experience have shown that in the most important of these—the lead group—there is a special risk for young persons, and that this risk is, in some instances, greater or extends to a higher age, in the case of girls than in that of boys. The advantage of arriving at a general standard—which would not necessarily be the same for both sexes—for the age of exclusion (in connection with an equally general standard of precaution and protection in the workplace) is manifest, and means of attaining this end might, with great profit, form the subject of study and inquiry in the International Labor Office.

#### RECOMMENDATION.

The recommendation which the committee has made in regard to the employment of women in unhealthy processes for further investigation and report by the International Labor Office covers all classes of workers, including young persons. It accordingly does not think it necessary to make any special recommendation under the heading of this section of the report.

#### CONCLUSIONS OF THE ORGANIZING COMMITTEE ON THE USE OF WHITE PHOSPHORUS.<sup>1</sup>

The committee is of the opinion that the conference should recommend adhesion to the convention to all States members of the League. The text of the convention is as follows:

#### INTERNATIONAL CONVENTION ON THE SUBJECT OF THE PROHIBITION OF THE USE OF WHITE (YELLOW) PHOSPHORUS IN THE MANUFACTURE OF MATCHES, CONCLUDED AT BERN IN 1906.

ARTICLE 1. The High Contracting Parties bind themselves to prohibit in their respective territories the manufacture, importation and sale of matches which contain white (yellow) phosphorus.

ART. 2. It is incumbent upon each of the contracting States to take the administrative measures necessary to insure the strict execution of the terms of the present convention within their respective territories.

Each Government shall communicate to the others, through the diplomatic channel, the laws and regulations which exist or shall hereafter come into force in their country with regard to the subject matter of the present convention, as well as the reports on the manner in which the said laws and regulations are applied.

ART. 3. The present convention shall only apply to a colony, possession, or protectorate when a notice to this effect shall have been, given on its behalf by the Government of the mother country to the Swiss Federal Council.

ART. 4. The present convention shall be ratified, and the ratifications deposited with the Swiss Federal Council by the 31st December, 1908, at the latest.

A record of the deposit shall be drawn up, of which one certified copy shall be transmitted to each of the contracting States through the diplomatic channel.

The present convention shall come into force three years after the date on which the record of the deposit is closed.

ART. 5. The States nonsignatories to the present convention shall be allowed to declare their adhesion by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting States.

The time limit laid down in Article 4 for the coming into force of the present Convention is extended in the case of the nonsignatory States, as well as of their colonies, possessions, or protectorates, to 5 years, counting from the date of the notification of their adhesion.

ART. 6. It shall not be possible for the signatory States, or the States, colonies, possessions, or protectorates who may subsequently adhere, to denounce the present convention before the expiration of 5 years from the date on which the record of the deposit of ratifications is closed.

Thenceforward the convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the Swiss Federal Council by the Government concerned, or in the case of a colony, possession, or protectorate, by the Government of the mother country; the Federal Council shall communicate the denunciation immediately to the Governments of each of the other contracting States.

The denunciation shall only be operative as regards the State, colony, possession, or protectorate on whose behalf it has been notified.

In witness whereof the plenipotentiaries have signed the present Convention.

Done at Bern this 26th day of September, 1906, in a single copy which shall be kept in the archives of the Swiss Federation, and one copy of which duly certified shall be delivered to each of the contracting Powers through the diplomatic channel.

<sup>1</sup>Report on the Employment of Women and Children and the Bern Conventions of 1906 prepared by the Organizing Committee for the International Labor Conference, Washington, 1919. London, pp. 58, 59.

<sup>1</sup>Idem, pp. 60-62.



## DRAFT CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE CONFERENCE.

### DRAFT CONVENTION LIMITING THE HOURS OF WORK IN INDUSTRIAL UNDERTAKINGS TO EIGHT IN THE DAY AND FORTY-EIGHT IN THE WEEK.

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "application of the principle of the 8-hours day or the 48-hours week," which is the first item in the agenda for the Washington meeting of the conference, and

Having determined that these proposals shall take the form of a draft international convention,

Adopts the following draft convention for ratification by the members of the International Labor Organization, in accordance with the labor part of the Treaty of Versailles of June 28, 1919, and of the Treaty of St. Germain of 10 September, 1919:

#### ARTICLE 1.

For the purpose of this convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including ship-building and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

(d) The transport of passengers or goods by road, rail, sea or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand.

The provisions relative to transport by sea and on inland waterways shall be determined by a special conference dealing with employment at sea and on inland waterways.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

#### ARTICLE 2.

The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed 8 in the day and 48 in the week, with the exceptions hereinafter provided for.

(a) The provisions of this convention shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity.

(b) Where by law, custom, or agreement between employers' and workers' organizations, or where no such organizations exist between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement between such

organizations or representatives; provided, however, that in no case under the provisions of this paragraph shall the daily limit of eight hours be exceeded by more than one hour.

(c) Where persons are employed in shifts it shall be permissible to employ persons in excess of 8 hours in any one day and 48 hours in any one week, if the average number of hours over a period of three weeks or less does not exceed 8 per day and 48 per week.

#### ARTICLE 3.

The limit of hours of work prescribed in article 2 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of "force majeure," but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

#### ARTICLE 4.

The limit of hours of work prescribed in article 2 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed 56 in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

#### ARTICLE 5.

In exceptional cases where it is recognized that the provisions of article 2 can not be applied, but only in such cases, agreements between workers' and employers' organizations concerning the daily limit of work over a longer period of time, may be given the force of regulations, if the Government, to which these agreements shall be submitted, so decides. The average number of hours worked per week, over the number of weeks covered by any such agreement, shall not exceed 48.

#### ARTICLE 6.

Regulations made by public authority shall determine for industrial undertakings:

(a) The permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establishment, or for certain classes of workers whose work is essentially intermittent.

(b) The temporary exceptions that may be allowed, so that establishments may deal with exceptional cases of pressure of work.

These regulations shall be made only after consultation with the organizations of employers and workers concerned, if any such organizations exist. These regulations shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one and one-quarter times the regular rate.

#### ARTICLE 7.

Each Government shall communicate to the International Labor Office:

(a) A list of the processes which are classed as being necessarily continuous in character under Article 4;

(b) Full information as to working of the agreements mentioned in Article 5; and

(c) Full information concerning the regulations made under Article 6 and their application.

The International Labor Office shall make an annual report thereon to the General Conference of the International Labor Organization.



## ARTICLE 8.

In order to facilitate the enforcement of the provisions of this convention, every employer shall be required:

(a) To notify by means of the posting of notices in conspicuous places in the works or other suitable place, or by such other method as may be approved by the Government, the hours at which work begins and ends, and where work is carried on by shifts the hours at which each shift begins and ends. These hours shall be so fixed that the duration of the work shall not exceed the limits prescribed by this convention, and when so notified they shall not be changed except with such notice and in such manner as may be approved by the Government.

(b) To notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours.

(c) To keep a record in the form prescribed by law or regulation in each country of all additional hours worked in pursuance of Articles 3 and 6 of this convention.

It shall be made an offense against the law to employ any person outside the hours fixed in accordance with paragraph (a), or during the intervals fixed in accordance with paragraph (b).

## ARTICLE 9.

In the application of this convention to Japan the following modifications and conditions shall obtain:

(a) The term "industrial undertaking" includes particularly—

The undertakings enumerated in paragraph (a) of Article 1;

The undertakings enumerated in paragraph (b) of Article 1, provided there are at least ten workers employed;

The undertakings enumerated in paragraph (c) of Article 1, in so far as these undertakings shall be defined as "factories" by the competent authority;

The undertakings enumerated in paragraph (d) of Article 1, except transport of passengers or goods by road, handling of goods at docks, quays, wharves, and warehouses, and transport by hand; and,

Regardless of the number of persons employed, such of the undertakings enumerated in paragraph (b) and (c) of Article 1 as may be declared by the competent authority either to be highly dangerous or to involve unhealthy processes.

(b) The actual working hours of persons of 15 years of age or over in any public or private industrial undertaking, or in any branch thereof, shall not exceed 57 in the week, except that in the raw-silk industry the limit may be 60 hours in the week.

(c) The actual working hours of persons under 15 years of age in any public or private industrial undertaking, or in any branch thereof, and of all miners of whatever age engaged in underground work in the mines, shall in no case exceed 48 in the week.

(d) The limit of hours of work may be modified under the conditions provided for in articles 2, 3, 4, and 5 of this convention, but in no case shall the length of such modification bear to the length of the basic week a proportion greater than that which obtains in those articles.

(e) A weekly rest period of 24 consecutive hours shall be allowed to all classes of workers.

(f) The provision in Japanese factory legislation limiting its application to places employing 15 or more persons shall be amended so that such legislation shall apply to places employing 10 or more persons.

(g) The provisions of the above paragraphs of this article shall be brought into operation not later than July 1, 1922, except that the provisions of article 4 as modified by paragraph (d) of this article shall be brought into operation not later than July 1, 1923.

(h) The age of 15 prescribed in paragraph (c) of this article shall be raised, not later than July 1, 1925, to 16.

## ARTICLE 10.

In British India the principle of a 60-hour week shall be adopted for all workers in the industries at present covered by the factory acts

administered by the Government of India, in mines, and in such branches of railway work as shall be specified for this purpose by the competent authority. Any modification of this limitation made by the competent authority shall be subject to the provisions of articles 6 and 7 of this convention. In other respects the provisions of this convention shall not apply to India, but further provisions limiting the hours of work in India shall be considered at a future meeting of the general conference.

## ARTICLE 11.

The provisions of this convention shall not apply to China, Persia, and Siam, but provisions limiting the hours of work in these countries shall be considered at a future meeting of the general conference.

## ARTICLE 12.

In the application of this convention to Greece, the date at which its provisions shall be brought into operation in accordance with article 19 may be extended to not later than July 1, 1923, in the case of the following industrial undertakings:

- (1) Carbon bisulphide works,
- (2) Acids works,
- (3) Tanneries,
- (4) Paper mills,
- (5) Printing works,
- (6) Sawmills,
- (7) Warehouses for the handling and preparation of tobacco,
- (8) Surface mining,
- (9) Foundries,
- (10) Lime works,
- (11) Dye works,
- (12) Glass works (blowers),
- (13) Gas works (firemen),
- (14) Loading and unloading merchandise;

and to not later than July 1, 1924, in the case of the following industrial undertakings:

(1) Mechanical industries: Machine shops for engines, safes, scales, beds, tacks, shells (sporting), iron foundries, bronze foundries, tin shops, plating shops, manufactories of hydraulic apparatus.

(2) Constructional industries: Lime kilns, cement works, plasterers' shops, tile yards, manufactories of bricks and pavements, potteries, marble yards, excavating and building work.

(3) Textile industries: Spinning and weaving mills of all kinds, except dye works.

(4) Food industries: Flour and grist mills, bakeries, macaroni factories, manufactories of wines, alcohol, and drinks, oil works, breweries, manufactories of ice and carbonated drinks, manufactories of confectioners' products and chocolate, manufactories of sausages and preserves, slaughter-houses, and butcher shops.

(5) Chemical industries: Manufactories of synthetic colors, glass-works (except the blowers), manufactories of essence of turpentine and tartar, manufactories of oxygen and pharmaceutical products, manufactories of flaxseed oil, manufactories of glycerine, manufactories of calcium carbide, gas works (except the firemen).

(6) Leather industries: Shoe factories, manufactories of leather goods.

(7) Paper and printing industries: Manufactories of envelopes, record books, boxes, bags, bookbinding, lithographing, and zinc-engraving shops.

(8) Clothing industries: Clothing shops, underwear and trimmings, workshops for pressing, workshops for bed coverings, artificial flowers, feathers, and trimmings, hat and umbrella factories.

(9) Woodworking industries: Joiners' shops, coopers' sheds, wagon factories, manufactories of furniture and chairs, picture-framing establishments, brush and broom factories.

(10) Electrical industries: Power houses, shops for electrical installations.

(11) Transportation by land: Employees on railroads and street cars, firemen, drivers, and carters.



## ARTICLE 13.

In the application of this convention to Roumania the date at which its provisions shall be brought into operation in accordance with article 19 may be extended to not later than July 1, 1924.

## ARTICLE 14.

The operation of the provisions of this convention may be suspended in any country by the Government in the event of war or other emergency endangering the national safety.

## ARTICLE 15.

The formal ratifications of this convention, under the conditions set forth in Part XIII of the Treaty of Versailles of June 28, 1919, and of the Treaty of St. Germain of September 10, 1919, shall be communicated to the secretary general of the League of Nations for registration.

## ARTICLE 16.

Each member which ratifies this convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

## ARTICLE 17.

As soon as the ratifications of two members of the International Labor Organization have been registered with the secretariat, the secretary general of the League of Nations shall so notify all the members of the International Labor Organization.

## ARTICLE 18.

This convention shall come into force at the date on which such notification is issued by the secretary general of the League of Nations, and it shall then be binding only upon those members which have registered their ratification with the secretariat. Thereafter this convention will come into force for any other member, at the date on which its ratification is registered with the secretariat.

## ARTICLE 19.

Each member which ratifies this convention agrees to bring its provisions into operation not later than July 1, 1921, and to take such action as may be necessary to make these provisions effective.

## ARTICLE 20.

A member which has ratified this convention may denounce it after the expiration of 10 years from the date on which the convention first comes into force, by an act communicated to the secretary general of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the secretariat.

## ARTICLE 21.

At least once in 10 years the governing body of the International Labor Office shall present to the general conference a report on the working of this convention, and shall consider the desirability of placing on the agenda of the conference the question of its revision or modification.

## ARTICLE 22.

The French and English texts of this convention shall both be authentic.

## DRAFT CONVENTION CONCERNING UNEMPLOYMENT.

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment," which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

Adopts the following draft convention for ratification by the members of the International Labor Organization, in accordance with the labor part of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919:

## ARTICLE 1.

Each member which ratifies this convention shall communicate to the International Labor Office, at intervals as short as possible and not exceeding three months, all available information, statistical or otherwise, concerning unemployment, including reports on measures taken or contemplated to combat unemployment. Whenever practicable, the information shall be made available for such communication not later than three months after the end of the period to which it relates.

## ARTICLE 2.

Each member which ratifies this convention shall establish a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of these agencies.

Where both public and private free employment agencies exist, steps shall be taken to coordinate the operations of such agencies on a national scale.

The operations of the various national systems shall be coordinated by the International Labor Office in agreement with the countries concerned.

## ARTICLE 3.

The members of the International Labor Organization which ratify this convention and which have established systems of insurance against unemployment shall, upon terms being agreed between the members concerned, make arrangements whereby workers belonging to one member and working in the territory of another shall be admitted to the same rates of benefit of such insurance as those which obtain for the workers belonging to the latter.

## ARTICLE 4.

The formal ratifications of this convention, under the conditions set forth in Part XIII of the treaty of Versailles of June 28, 1919, and the treaty of St. Germain of September 10, 1919, shall be communicated to the secretary general of the League of Nations for registration.

## ARTICLE 5.

Each member which ratifies this convention engages to apply it to its colonies protectorates, and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.



## ARTICLE 6.

As soon as the ratifications of three members of the International Labor Organization have been registered with the secretariat, the secretary general of the League of Nations shall so notify all the members of the International Labor Organization.

## ARTICLE 7.

This convention shall come into force at the date on which such notification is issued by the secretary general of the League of Nations, but it shall then be binding only upon those members which have registered their ratifications with the secretariat. Thereafter this convention will come into force for any other member at the date on which its ratification is registered with the secretariat.

## ARTICLE 8.

Each member which ratifies this convention agrees to bring its provisions into operation not later than 1 July, 1921, and to take such action as may be necessary to make these provisions effective.

## ARTICLE 9.

A member which has ratified this convention may denounce it after the expiration of ten years from the date on which the convention first comes into force, by an act communicated to the secretary general of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the secretariat.

## ARTICLE 10.

At least once in ten years the governing body of the International Labor Office shall present to the general conference a report on the working of this convention, and shall consider the desirability of placing on the agenda of the conference the question of its revision or modification.

## ARTICLE 11.

The French and English texts of this convention shall both be authentic.

**RECOMMENDATION CONCERNING UNEMPLOYMENT.**

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment," which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

Adopts the following recommendation, to be submitted to the members of the International Labor Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the labor part of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919;

## I.

The General Conference recommends that each member of the International Labor Organization take measures to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit. Where such agencies already exist it is further recommended that they be permitted to operate only under Government licenses, and that all practicable measures be taken to abolish such agencies as soon as possible.

## II.

The General Conference recommends to the members of the International Labor Organization that the recruiting of bodies of workers in one country with a view to their employment in another country should be permitted only by mutual agreement between the countries concerned and after consultation with employers and workers in each country in the industries concerned.

## III.

The General Conference recommends that each member of the International Labor Organization establish an effective system of unemployment insurance, either through a Government system or through a system of Government subventions to associations whose rules provide for the payment of benefits to their unemployed members.

## IV.

The General Conference recommends that each member of the International Labor Organization coordinate the execution of all work undertaken under public authority, with a view to reserving such work as far as practicable for periods of unemployment and for districts most affected by it.

**RECOMMENDATION CONCERNING RECIPROCITY OF TREATMENT OF FOREIGN WORKERS.**

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "question of preventing or providing against unemployment," which is the second item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

Adopts the following recommendation to be submitted to the members of the International Labor Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the labor part of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919:

The General Conference recommends that each member of the International Labor Organization shall, on condition of reciprocity and upon terms to be agreed between the countries concerned, admit the foreign workers (together with their families) employed within its territory to the benefit of its laws and regulations for the protection of its own workers, as well as to the right of lawful organization as enjoyed by its own workers.

**DRAFT CONVENTION CONCERNING THE EMPLOYMENT OF WOMEN BEFORE AND AFTER CHILDBIRTH.**

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment, before and after childbirth, including the question of maternity benefit," which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,



Adopts the following draft convention for ratification by the members of the International Labor Organization, in accordance with the labor part of the treaty of Versailles of 28 June, 1919, and of the treaty of St. Germain of 10 September, 1919:

#### ARTICLE 1.

For the purpose of this convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundation of any such work or structure.

(d) Transport of passengers or goods by road, rail, sea, or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

For the purpose of this convention, the term "commercial undertaking" includes any place where articles are sold or where commerce is carried on.

The competent authority in each country shall define the line of division which separates industry and commerce from agriculture.

#### ARTICLE 2.

For the purpose of this convention, the term "woman" signifies any female person, irrespective of age or nationality, whether married or unmarried, and the term "child" signifies any child whether legitimate or illegitimate.

#### ARTICLE 3.

In any public or private industrial or commercial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, a woman—

(a) Shall not be permitted to work during the six weeks following her confinement.

(b) Shall have the right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks.

(c) Shall, while she is absent from her work in pursuance of paragraphs (a) and (b), be paid benefits sufficient for the full and healthy maintenance of herself and her child, provided either out of public funds or by means of a system of insurance, the exact amount of which shall be determined by the competent authority in each country, and as an additional benefit shall be entitled to free attendance by a doctor or certified midwife. No mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these benefits from the date of the medical certificate up to the date on which the confinement actually takes place.

(d) Shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose.

#### ARTICLE 4.

Where a woman is absent from her work in accordance with paragraphs (a) or (b) of article 3 of this convention, or remains absent from her work for a longer period as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence.

#### ARTICLE 5.

The formal ratifications of this convention, under the conditions set forth in Part XIII of the treaty of Versailles of June 28, 1919, and

of the treaty of St. Germain of September 10, 1919, shall be communicated to the secretary general of the League of Nations for registration.

#### ARTICLE 6.

Each member which ratifies this convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

(a) Except where, owing to the local conditions, its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

#### ARTICLE 7.

As soon as the ratifications of two members of the International Labor Organization have been registered with the secretariat, the secretary general of the League of Nations shall so notify all the members of the International Labor Organization.

#### ARTICLE 8.

This convention shall come into force at the date on which such notification is issued by the secretary general of the League of Nations, but it shall then be binding only upon those members which have registered their ratifications with the secretariat. Thereafter this convention will come into force for any other member at the date on which its ratification is registered with the secretariat.

#### ARTICLE 9.

Each member which ratifies this convention agrees to bring its provisions into operation not later than 1 July, 1922, and to take such action as may be necessary to make these provisions effective.

#### ARTICLE 10.

A member which has ratified this convention may denounce it after the expiration of 10 years from the date on which the convention first comes into force, by an act communicated to the secretary general of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the secretariat.

#### ARTICLE 11.

At least once in 10 years the governing body of the International Labor Office shall present to the General Conference a report on the working of this convention, and shall consider the desirability of placing on the agenda of the conference the question of its revision or modification.

#### ARTICLE 12.

The French and English texts of this convention shall both be authentic.

### **DRAFT CONVENTION CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT.**

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment: during the night," which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

Adopts the following draft convention for ratification by the members of the International Labor Organization, in accordance with the labor part of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919;



## ARTICLE 1.

For the purpose of this convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth;

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;

(c) Construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

## ARTICLE 2.

For the purpose of this convention, the term "night" signifies a period of at least 11 consecutive hours, including the interval between 10 o'clock in the evening and 5 o'clock in the morning.

In those countries where no government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of 3 years, be declared by the Government to signify a period of only 10 hours, including the interval between 10 o'clock in the evening and 5 o'clock in the morning.

## ARTICLE 3.

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

## ARTICLE 4.

Article 3 shall not apply:

(a) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character.

(b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

## ARTICLE 5.

In India and Siam, the application of article 3 of this convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labor Office.

## ARTICLE 6.

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to 10 hours on 60 days of the year.

## ARTICLE 7.

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above articles, provided that compensatory rest is accorded during the day.

## ARTICLE 8.

The formal ratifications of this convention, under the conditions set forth in Part XIII of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919, shall be communicated to the secretary general of the League of Nations for registration.

## ARTICLE 9.

Each member which ratifies this convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

## ARTICLE 10.

As soon as the ratifications of two members of the International Labor Organization have been registered with the secretariat, the secretary general of the League of Nations shall so notify all the members of the International Labor Organization.

## ARTICLE 11.

This convention shall come into force at the date on which such notification is issued by the secretary general of the League of Nations, but it shall then be binding only upon those members which have registered their ratifications with the secretariat. Thereafter this convention will come into force for any other member at the date on which its ratification is registered with the secretariat.

## ARTICLE 12.

Each member which ratifies this convention agrees to bring its provisions into operation not later than July 1, 1922, and to take such action as may be necessary to make these provisions effective.

## ARTICLE 13.

A member which has ratified this convention may denounce it after the expiration of 10 years from the date on which the convention first comes into force, by an act communicated to the secretary general of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the secretariat.

## ARTICLE 14.

At least once in 10 years, the governing body of the International Labor Office shall present to the General Conference a report on the working of this convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

## ARTICLE 15.

The French and English texts of this convention shall both be authentic.

# RECOMMENDATION CONCERNING THE PREVENTION OF ANTHRAX.

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment: unhealthy processes," which is part of the third item in the agenda for the Washington meeting of the Conference; and

Having determined that these proposals shall take the form of a recommendation,

Adopts the following recommendation, to be submitted to the members of the International Labor Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the labor part of the treaty of Versailles of June 28, 1919, and the treaty of St. Germain of September 10, 1919:

The General Conference recommends to the members of the International Labor Organization that arrangements should be made for the disinfection of wool infected with anthrax spores, either in the country exporting such wool or if that is not practicable at the port of entry in the country importing such wool.



# **RECOMMENDATION CONCERNING THE PROTECTION OF WOMEN AND CHILDREN AGAINST LEAD POISONING.**

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's and children's employment: unhealthy processes," which is part of the third and fourth items in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

Adopts the following recommendation, to be submitted to the members of the International Labor Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the labor part of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919:

The general conference recommends to the members of the International Labor Organization that, in view of the danger involved to the function of maternity and to the physical development of children, women, and young persons under the age of 18 years be excluded from employment in the following processes:

- (a) In furnace work in the reduction of zinc or lead ores.
- (b) In the manipulation, treatment, or reduction of ashes containing lead, and in the desilverizing of lead.
- (c) In melting lead or old zinc on a large scale.
- (d) In the manufacture of solder or alloys containing more than 10 per cent of lead.
- (e) In the manufacture of litharge, massicot, red lead, white lead, orange lead, or sulphate, chromate or silicate (frit) of lead.
- (f) In mixing and pasting in the manufacture or repair of electric accumulators.
- (g) In the cleaning of workrooms where the above processes are carried on.

It is further recommended that the employment of women and young persons under the age of 18 years in processes involving the use of lead compounds be permitted only subject to the following conditions:

- (a) Locally applied exhaust ventilation, so as to remove dust and fumes at the point of origin.
- (b) Cleanliness of tools and workrooms.
- (c) Notification to government authorities of all cases of lead poisoning, and compensation therefor.
- (d) Periodic medical examination of the persons employed in such processes.
- (e) Provision of sufficient and suitable cloakroom, washing, and mess-room accommodation, and of special protective clothing.
- (f) Prohibition of bringing food or drink into workrooms.

It is further recommended that in industries where soluble lead compounds can be replaced by nontoxic substances, the use of soluble lead compounds should be strictly regulated.

For the purpose of this recommendation, a lead compound should be considered as soluble if it contains more than 5 per cent of its weight (estimated as metallic lead) soluble in a quarter of 1 per cent solution of hydrochloric acid.

# **RECOMMENDATION CONCERNING THE ESTABLISHMENT OF GOVERNMENT HEALTH SERVICES.**

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to "women's employment: unhealthy processes," which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

Adopts the following recommendation, to be submitted to the members of the International Labor Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the labor part of the treaty of Versailles of June 28, 1919, and the treaty of St. Germain of September 10, 1919;

The General Conference recommends that each member of the International Labor Organization which has not already done so should establish as soon as possible, not only a system of efficient factory inspection, but also in addition thereto a Government service especially charged with the duty of safeguarding the health of the workers, which will keep in touch with the International Labor Office.

# **DRAFT CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT.**

The General Conference of the International Labor Organization of the League of Nations,

Having been convened by the Government of the United States of America at Washington, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "employment of children: minimum age of employment," which is part of the fourth item in the agenda for the Washington meeting of the conference, and

Having determined that these proposals shall take the form of a draft international convention,

Adopts the following draft convention for ratification by the members of the International Labor Organization, in accordance with the labor part of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919:

## **ARTICLE 1.**

For the purpose of this convention, the term "industrial undertaking" includes particularly:

- (a) Mines, quarries and other works for the extraction of minerals from the earth.
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind.
- (c) Construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.
- (d) Transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

## **ARTICLE 2.**

Children under the age of 14 years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

## **ARTICLE 3.**

The provisions of article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

## **ARTICLE 4.**

In order to facilitate the enforcement of the provisions of this convention, every employer in an industrial undertaking shall be



required to keep a register of all persons under the age of 16 years employed by him, and of the dates of their births.

## ARTICLE 5.

In connection with the application of this convention to Japan, the following modifications of article 2 may be made:

(a) Children over 12 years of age may be admitted into employment if they have finished the course in the elementary school;

(b) As regards children between the ages of 12 and 14 already employed, transitional regulations may be made.

The provision in the present Japanese law admitting children under the age of 12 years to certain light and easy employments shall be repealed.

## ARTICLE 6.

The provisions of article 2 shall not apply to India, but in India children under 12 years of age shall not be employed,

(a) In manufactories working with power and employing more than 10 persons;

(b) In mines, quarries, and other works for the extraction of minerals from the earth;

(c) In the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays, and wharves, but excluding transport by hand.

## ARTICLE 7.

The formal ratifications of this convention, under the conditions set forth in Part XIII of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919, shall be communicated to the secretary general of the League of Nations for registration.

## ARTICLE 8.

Each member which ratifies this convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each member shall notify to the International Labor Office the action taken in respect to each of its colonies, protectorates, and possessions which are not fully self-governing.

## ARTICLE 9.

As soon as the ratifications of two members of the International Labor Organization have been registered with the secretariat, the secretary general of the League of Nations shall so notify all the members of the International Labor Organization.

## ARTICLE 10.

This convention shall come into force at the date on which such notification is issued by the secretary general of the League of Nations, but it shall then be binding only upon those members which have registered their ratifications with the secretariat. Thereafter this convention will come into force for any other member at the date on which its ratification is registered with the secretariat.

## ARTICLE 11.

Each member which ratifies this convention agrees to bring its provisions into operation not later than July 1, 1922, and to take such action as may be necessary to make these provisions effective.

## ARTICLE 12.

A member which has ratified this convention may denounce it after the expiration of 10 years from the date on which the convention first comes into force, by an act communicated to the secretary general of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the secretariat.

## ARTICLE 13.

At least once in 10 years, the governing body of the International Labor Office shall present to the General Conference a report on the working of this convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

## ARTICLE 14.

The French and English texts of this convention shall both be authentic.

### DRAFT CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY.

The General Conference of the International Labor Organization of the League of Nations,

Having been convened by the Government of the United States of America at Washington, on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "employment of children: during the night," which is part of the fourth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,

Adopts the following draft convention for ratification by the members of the International Labor Organization, in accordance with the labor part of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919:

## ARTICLE 1.

For the purpose of this convention, the term "industrial undertaking" includes particularly:

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed; including ship-building, and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbor, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction as well as the preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

## ARTICLE 2.

Young persons under 18 years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

Young persons over the age of 16 may be employed during the night in the following industrial undertakings on work which, by reason of the nature of the process, is required to be carried on continuously day and night:

(a) Manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used, and galvanizing of sheet metal or wire (except the pickling process);

(b) Glass works;

(c) Manufacture of paper;

(d) Manufacture of raw sugar;

(e) Gold mining reduction work:



## ARTICLE 3.

For the purpose of this convention, the term "night" signifies a period of at least 11 consecutive hours, including the interval between 10 o'clock in the evening and 5 o'clock in the morning.

In coal and lignite mines work may be carried on in the interval between 10 o'clock in the evening and 5 o'clock in the morning, if an interval of ordinarily 15 hours, and in no case of less than 13 hours, separates two periods of work.

Where night work in the baking industry is prohibited for all workers, the interval between 9 o'clock in the evening and 4 o'clock in the morning may be substituted in the baking industry for the interval between 10 o'clock in the evening and 5 o'clock in the morning.

In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than 11 hours if compensatory rest is accorded during the day.

## ARTICLE 4.

The provisions of articles 2 and 3 shall not apply to the night work of young persons between the ages of 16 and 18 years in cases of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

## ARTICLE 5.

In the application of this convention to Japan, until July 1, 1925, article 2 shall apply only to young persons under 15 years of age and thereafter it shall apply only to young persons under 16 years of age.

## ARTICLE 6.

In the application of this convention to India, the term "industrial undertakings" shall include only "factories" as defined in the Indian factory act, and article 2 shall not apply to male young persons over 14 years of age.

## ARTICLE 7.

The prohibition of night work may be suspended by the Government for young persons between the ages of 16 and 18 years, when in case of serious emergency the public interest demands it.

## ARTICLE 8.

The formal ratifications of this convention, under the conditions set forth in Part XIII of the treaty of Versailles of June 28, 1919, and of the treaty of St. Germain of September 10, 1919, shall be communicated to the secretary general of the League of Nations for registration.

## ARTICLE 9.

Each member which ratifies this convention engages to apply it to its colonies, protectorates, and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each member shall notify to the International Labor Office the action taken in respect of each of its colonies, protectorates, and possessions which are not fully self-governing.

## ARTICLE 10.

As soon as the ratification of two members of the International Labor Organization have been registered with the secretariat the

secretary general of the League of Nations shall so notify all the members of the International Labor Organization.

## ARTICLE 11.

This convention shall come into force at the date on which such notification is issued by the secretary general of the League of Nations, and it shall then be binding only upon those members which have registered their ratifications with the secretariat. Thereafter this convention will come into force for any other member at the date on which its ratification is registered with the secretariat.

## ARTICLE 12.

Each member which ratifies this convention agrees to bring its provisions into operation not later than July 1, 1922, and to take such action as may be necessary to make these provisions effective.

## ARTICLE 13.

A member which has ratified this convention may denounce it after the expiration of 10 years from the date on which the convention first comes into force, by an act communicated to the secretary general of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the secretariat.

## ARTICLE 14.

At least once in 10 years the governing body of the International Labor Office shall present to the General Conference a report on the working of this convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

## ARTICLE 15.

The French and English texts of this convention shall both be authentic.

# RECOMMENDATION CONCERNING THE APPLICATION OF THE BERN CONVENTION OF 1906, ON THE PROHIBITION OF THE USE OF WHITE PHOSPHORUS IN THE MANUFACTURE OF MATCHES.

The General Conference of the International Labor Organization of the League of Nations,

Having been convened at Washington by the Government of the United States of America on the 29th day of October, 1919, and

Having decided upon the adoption of certain proposals with regard to the "extension and application of the international convention adopted at Bern in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches," which is part of the fifth item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a recommendation,

Adopts the following recommendation, to be submitted to the members of the International Labor Organization for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the labor part of the treaty of Versailles of June 28, 1919, and the treaty of St. Germain of September 10, 1919:

The General Conference recommends that each member of the International Labor Organization, which has not already done so, should adhere to the international convention adopted at Bern in 1906 on the prohibition of the use of white phosphorus in the manufacture of matches.



## MOTIONS PRESENTED BY DELEGATES.

### MOTION PRESENTED BY MR. BALDESI (ITALY).

The International Labor Conference, which has met in Washington to discuss the most important problems affecting all the workers in the world, can not ignore the fact that all countries are not represented at this first meeting, and while trusting that those absent will realize that it is their duty to adhere to it as soon as possible, expresses the wish that the proposal of the Russian Government for immediate peace negotiations be accepted by the nations interested, so as to enable the representatives of this large oriental country to bring, without delay, its contribution in complete freedom, after having secured that political, economic, and legal settlement which the people of Russia shall choose; and this, according to the principle already established of the right of the nations to self-determination.

(Signed) GINO BALDESI,  
*Italian Workers' Delegate.*

### MOTION PRESENTED BY MR. JOUHAUX (FRANCE), MR. OUDEGEEST (NETHERLANDS), AND MR. MERTENS (BELGIUM).

#### GERMAN AND AUSTRIAN DELEGATIONS.

The International Labor Conference at Washington having agreed to admit Germany and Austria, and these countries having decided to participate in the conference, the officers of the conference are requested to take the steps necessary to hasten the transportation of the German and Austrian delegates to Washington.

(Signed) LÉON JOUHAUX,  
JAN OUDEGEEST,  
CORNEILLE MERTENS,  
*Workers' Delegates.*

### MOTION PRESENTED BY MR. ELIZALDE (ECUADOR) AND SECOND-ED BY MR. GARCIA (ECUADOR) AND MR. NIETO DEL RIO (CHILE).<sup>1</sup>

It is proposed to invite Mexico also to the International Labor Conference.

(Signed) RAPHAEL H. ELIZALDE.

### MOTION PRESENTED BY MR. CRAWFORD (SOUTH AFRICA).

#### ADMISSION OF COUNTRIES NOT MEMBERS OF THE LEAGUE OF NATIONS.

That the attention of the League of Nations, when created, be drawn to the records of the discussion on the application of Finland for admission to membership of the International Labor Conference, with a request that an interpretation be given of the powers of the International Labor Conference in respect to the admission of nations not members of the League of Nations.

Further, that in the event of the decision of the League being unfavorable to the view expressed in the majority report submitted by Mr. Baldesi, an appeal be made to the Permanent Court of International Justice, when same is created.

(Signed) A. CRAWFORD.

### MOTION OFFERED BY MR. CRAWFORD (SOUTH AFRICA).

The conference recognizes that a question has arisen concerning the competence of the Labor Conference to admit to the Labor Organization countries other than Germany and Austria which may not be members of the League of Nations, and since this question relates to the interpretation of the labor part of the treaty of peace within the meaning of the provisions of article 423 of the treaty with Germany, it hereby directs the officials of the conference to draw the attention of the council of the League of Nations when created to the fact that this question has arisen and to the records of the discussions on the application of Finland for admission to membership in the International Labor Conference, with a request that the council refer this question for decision to the Permanent Court of International Justice provided for in article 14 of the covenant at the earliest possible date.

(Signed) A. CRAWFORD,  
*Workers' Delegate, South Africa.*

### MOTION PRESENTED BY MR. ARCHIBALD CRAWFORD (SOUTH AFRICA) TO AMEND THE STANDING ORDERS.

#### AMENDMENT TO THE STANDING ORDERS.

To insert between paragraphs 3 and 4 of the standing orders (as adopted by the conference at its meeting of November 21, 1919) the following new paragraphs:

A returning officer shall be appointed by the conference to conduct all elections for membership in the governing body, such officer to be the general secretary or other officer of the conference not connected with any of the three sections concerned.

The returning officer shall fix a time of meeting for each particular section during which no other meeting in connection with the work of the conference is being held. At the first meeting called the business shall be confined to questions of procedure on which these standing orders are silent. When all questions of procedure are disposed of, nominations shall be invited, after which the returning officer, in consultation with the delegates, shall fix the date, time, and place at which the election shall be conducted. At least 24 hours' notice of election meetings must be given to all delegates.

Only the delegates or substitutes as defined by article 18 of the standing orders shall take part at meetings held in connection with the election of members of the governing body.

(Signed) A. CRAWFORD.

### MOTION PRESENTED BY THE EMPLOYERS' DELEGATES.

#### AMENDMENTS TO THE DRAFT CONVENTION OF THE ORGANIZING COMMITTEE LIMITING THE HOURS OF WORK.

##### TITLE.

Replace the word "convention" by "recommendation," also wherever it occurs in the text.

##### ARTICLE 1.

In paragraph (a), after the words "mines and quarries," add the words "and working of oil or natural gas fields."

In paragraph (b), after the words "including the generation and transformation," add the words "and transmission of power generally (electric, hydraulic, etc.)."

<sup>1</sup> After having seconded this motion, Mr. Nieto del Rio (Chile) made the following statement:

"As it does not seem possible, according to Mr. Fontaine's report, to invite Mexico or other countries which are not yet members of the League of Nations, to participate in the present conference, unless they themselves make formal application, I no longer insist upon seconding this motion, though it is my intention to second the invitation to Mexico and other countries when application is made."



After the word "shipbuilding" add "alteration or demolition of any building."

In paragraph (d), omit the words "the national law" and add the words "the competent authority."

After the words "commerce and agriculture on the other" add "and where necessary will simplify the appended lists after consultation with the employers' and the workers' organizations."

All those engaged in industrial establishments handling or distributing agricultural products and those engaged in afforestation will not be subject to the present recommendation.

#### ARTICLE 2.

Add before the words "working hours" the word "actual."

After the words "with the exceptions hereinafter provided" add "without prejudice to a different number of hours per week being authorized by law or by the competent authority, provided that the average length of the working week is 48 hours over the period in question."

After the words "manual labor" add the words "or for whom by reason of their occupation the limit of 48 hours is impracticable."

#### ARTICLE 3.

Instead of the words "in case of accident" read the words "either for preventing accident or in making good repairs after accident, in case of \* \* \*."

After the words "force majeure" add the words "or unforeseen or uncontrollable circumstances."

Add a new paragraph (b):

Work may be extended beyond 48 hours per week, with the authorization of the competent authorities or by agreement between the employers and workpeople concerned, in industries where interruption of work may be caused through accident or other emergency, such as accident to material, interruption of power supply or through disaster, drought, flood, or bad weather, provided that the number of hours worked in excess of 48 shall in no case exceed the number of hours of time actually lost.

#### ARTICLE 4.

After the words "The industries included in schedule A shall be regarded as industries to which this article applies" add the following:

The competent authority will, where necessary, amplify the schedule after consultation with the employers' and the workers' organizations.

#### ARTICLE 5.

Revise article 5 as follows:

The limit of 48 hours may be extended to 60 for those workmen who are required to attend either before or after the normal working day for preparing, clearing up, or maintenance, etc. For this purpose the competent authority will, where necessary, amplify schedule B after consultation with the employers' and the workers' organizations.

The limits mentioned above may be extended in the case of those workmen whose attendance is necessary but whose work is casual or intermittent.

#### ARTICLE 6.

Paragraph (a), instead of "150 hours" put "300 hours."

Omit the words, "Subject to the condition that a worker, when employed overtime, shall receive a rate of pay which shall be higher by at least 25 per cent than his normal rate of pay."

Paragraph (b), instead of "150 hours" put "300 hours in the year during the next five years and afterwards 150."

Add paragraph (c):

For transport by rail special regulations insuring the regular maintenance of the service may be applied in the case of persons employed in the working of trains. The same shall apply in the case of persons employed in connection with inland navigation.

#### ARTICLE 7.

No change in this article.

#### ARTICLE 8.

No change in this article.

#### ARTICLE 9.

Amendment to this article is reserved until the publication of the proposals of the Commission on Special Countries.

#### ARTICLE 10.

After the words "national safety" add the words "or to insure the maintenance of a public service."

#### ARTICLE 11.

Add:

The enforcement of the present recommendations in those countries which have up to the present time adhered to the International Labor Conference is subject to the formal acceptance thereof by the following countries: Austria, Belgium, Canada, Cuba, Denmark, France, Germany, Great Britain, Holland, India, Italy, Norway, Japan, Poland, Portugal, Spain, Sweden, Switzerland, Czechoslovakia, and the United States, at the date fixed by the signatories and not later than July 1, 1921.

#### ARTICLE 12 (New).

##### TRANSITION AND SPECIAL POSTWAR CONDITIONS.

(a) *Devastated regions.*—With a view to effecting speedy and necessary reconstruction of industry in the regions devastated during the war, the conference recommends deferring, for a period not exceeding 5 years, the application of the 48-hour week in undertakings for reparation and reconstruction, in all cases where such a limitation of the hours of work is clearly of such a nature as to endanger the restoration of such regions.

This measure may be taken—

1. By legislation in those countries in which the enforcement of the new conditions of labor is fixed by law.

2. By agreement between employers and workers in those countries in which legislation leaves to agreements of this nature the duty of fixing the date of enforcement of the new conditions of labor.

(b) *All countries without distinction.*—With a view to reducing the high cost of living, which is an inevitable consequence of the shortage of products and of the difficulty of distributing them, the conference recommends deferring likewise, for a period not to exceed five years, the enforcement of the 48-hour week in industries whose products are indispensable for food supply, and in transport industries.

These exceptions shall not be put into effect except by virtue of international agreements emanating from the International Labor Office, as special conditions for a definite length of time terminating with the reestablishment of normal conditions of production.

A report will be submitted to future labor conferences with regard to the exceptions thus granted.

**TITLE.**—The title to read as follows:

Draft of a convention to limit the hours of work in industrial and commercial undertakings to 8 hours in the day and 48 in the week as maxima in both cases.

(Signed) L. JOUHAUX,  
T. SHAW.

#### MOTION PRESENTED BY THE WORKERS DELEGATES.

##### AMENDMENTS TO THE DRAFT CONVENTION OF THE ORGANIZING COMMITTEE LIMITING THE HOURS OF WORK.

ARTICLE 1. (1) After the word "industrial" insert "and commercial."

(2) After the word "undertakings" insert "public or private and to all branches thereof of whatsoever kind."

(3) After the word "employed" add "it being understood that home work is not included in this exception."

(4) (d) After "rail" insert "by sea or by canal."

(5) (d) Omit the words "but excluding transport by hand."

(6) (d) Omit the final paragraph reading "the national law \* \* \* on the other."

ART. 2. (1) After the word "exceed" insert the words "8-hours in the day and."

(2) For the words "with the exceptions hereinafter provided" substitute the words "subject only to exception in case of fire, flood, and other similar unforeseen catastrophes."

(3) After the words "confidential capacity" omit the words "who are not usually employed in manual labor."

(4) For the words "over a period of one month or less" read "over a period of three weeks."



- ART. 3. (1) After "limit" insert "of 8-hours in the day and."  
 (2) After the word "exceeded" insert the words "subject to a compensating period of rest being given."  
 (3) After the word "plant" omit the words "or other emergency."  
 (4) After the words "or other emergency" substitute "and" for "but".

ART. 4. That the article do read as follows:

In the industries which are required, by reason of the nature of the industry, to be carried on continually by a succession of shifts the limitation of the rest from work shall not affect any holidays which may be required by law to be allowed to the workers, including the weekly day of rest to which all workers are entitled.

ART. 5. (1) After the word "limit" insert "of 8 hours in the day may be extended to 9 hours and the limit of 48 hours in the week."

(2) For "60" read "54."

ART. 6. That the article do read as follows:

In seasonal industries, overtime may be worked for not more than 70 hours in the year, subject to the condition that all work in excess of eight hours a day shall be paid for at a rate not less than 50 per cent in excess of the ordinary rate of remuneration.

ART. 8 (a):

(1) For "of a notice posted" read "of the posting of notices in conspicuous places."

(2) For the words "except with such notice and in such manner as may be approved by the Government" read "except by agreement between the workers' and employers' organizations, and with the sanction of the Government."

(c) For the words "by the national law or order of the executive Government" read "by the International Labor Office."

ART. 9. After the words "climatic conditions" omit the words "the imperfect development of industrial organization or other special circumstances."

ART. 11. For "1921" read "1920."

Schedule A. Omit this schedule.

Schedule B. Omit paragraphs ii and vii.

Schedule C. Omit this schedule.

**MOTION PRESENTED BY DR. NOLENS (NETHERLANDS) AND MR. MAHAIM (BELGIUM) AMENDING ARTICLE 2 OF THE DRAFT CONVENTION ON HOURS OF WORK.**

We propose that Article 2 of the draft convention limiting the hours of work be amended to read as follows:

**ARTICLE 2.**

1. The working hours of employed persons shall not exceed 8 hours in the day and 48 in the week, with the exceptions hereinafter provided.

2. The provisions of this convention shall not apply to persons holding positions of supervision or management or employed in a confidential capacity who are not usually employed in manual labor.

3. Where by law, custom, or agreement between employers' or workers' organizations the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by sanction of the competent authority, or by agreement between the employers' or workers' organizations concerned: *Provided, however*, That in no circumstances shall the daily limit of eight hours of work be exceeded by more than one hour.<sup>1</sup>

4. Where persons are employed in shifts it shall be permissible to employ persons in excess of 8 hours in any day and 48 in any week, if average number of hours over a period of one month or less does not exceed 8 per day and for 48 hours per week.

(Signed) Dr. NOLENS.  
MAHAIM.

**MOTION PRESENTED BY MR. JOUHAUX AND MR. BALDESI.**

**PROTECTION OF WAGE STANDARDS OF WORKERS.**

The undersigned move the adoption of the following:

The conference declares that in no case should the wages of workers be reduced simply by reason of the introduction of the 8-hour

day and the 48-hour week, in order that the conditions which exist in certain industries and which the present convention allows to continue may not be aggravated by the imposition of lower wages on the workers.

(Signed) LÉON JOUHAUX,  
GINO BALDESI,  
*Workers' Delegates.*

**MOTION PRESENTED BY SENATOR R. G. H. VON KOCH (SWEDEN) AND DR. GUNNER HUSS (SWEDEN).**

**AMENDMENTS TO DRAFT CONVENTION TO LIMIT THE HOURS OF WORK.**

We propose the following amendments to the draft convention limiting the hours of work:

ART. 4. The following branches of industry should be added to those enumerated in schedule A, under I. b., viz., continuous processes in the manufacture of wood pulp and raw sugar; in the burning of lime, bricks, porcelain, and pottery; and in the manufacture of peat and charcoal.

ART. 5. Considering that the proposed extension of the hours of work from 48 to 60 hours is excessive for all workers mentioned in schedule B, excepting those enumerated under paragraph VII, viz., watchmen, etc., we propose that the said extension be reduced for all workers enumerated under paragraphs I-VI, and be fixed at, for instance, 55 hours.

ART. 6. For hygienic reasons we propose that the hours of overtime work stipulated in both paragraphs of this article be limited also per month.

For the same reason we propose that overtime work be permitted only for workers 18 years old or more.

(Signed) R. G. H. VON KOCH,  
GUNNAR HUSS,  
*Swedish Government Delegates.*

**MOTION PRESENTED BY MR. TAYERLE (CZECHO-SLOVAKIA).**

**APPLICATION OF THE CONVENTION TO COMMERCE AND AGRICULTURE.**

I present, as an essential amendment to the draft submitted by the organizing committee, concerning the 8-hour day, the following:

The principle of the 8-hour day should also be extended to commerce and agriculture and made adaptable by appropriate national legislation to conditions existing in those productive groups.

(Signed) ROBT. TAYERLE,  
*Workers' Delegate from Czecho-Slovakia.*

**MOTION PRESENTED BY MR. CRAWFORD (SOUTH AFRICA).**

**AMENDMENT TO ARTICLE 1 OF THE DRAFT CONVENTION.**

Amendment to article 1 of the draft convention re limitation of hours, etc.:

That the words, "Other than undertakings in which only the members of the family are employed" be deleted.

(Signed) ARCHIBALD CRAWFORD,  
*Workers' Delegate from South Africa.*

**AMENDMENT PRESENTED BY MR. JOSHI TO THE REPORT OF THE COMMISSION ON THE APPLICATION OF THE 48-HOUR WEEK TO SPECIAL COUNTRIES.**

I propose to move the following amendments to the report of the commission appointed by the conference to consider the application of the principle of the 48-hour week to tropical countries. Add to the proposed convention concerning India:

(1) The word "factory" in the convention to be applied to India should mean "Any industry worked with steam, water, or any other mechanical power or electrical power and employing not less than 10 persons."

(2) The hours of work for women employed in factories shall not exceed 54 a week.

(3) Children under 14 shall not be employed for more than 30 hours a week.

(Signed) N. M. JOSHI,  
*Workers' Delegate from India.*

<sup>1</sup> In order to provide for change of shift in continuous processes.



**AMENDMENT PRESENTED BY MESSRS. OUDEGEEST (NETHERLANDS), JOUHAUX (FRANCE), AND MERTENS (BELGIUM).****APPLICATION TO JAPAN OF THE CONVENTION ON THE 8-HOURS DAY AND THE 48-HOURS WEEK.**

The conference, being of opinion that the industrial condition of Japan is such as to require the application of the 8-hour day and the 48-hour week to all industries and that such application is possible within two years, decides that the general convention shall come into force in Japan not later than January 1, 1922.

(Signed) J. OUDEGEEST.  
L. JOUHAUX.  
C. MERTENS.

**MOTION PRESENTED BY MESSRS. ORGHIDAN AND MICHAESCO (ROUMANIA).****APPLICATION TO ROUMANIA OF THE CONVENTION LIMITING HOURS OF WORK.**

In conformity with article 405 of the Versailles peace treaty and article 9 of the draft convention of the Organizing Committee, we request that in the enforcement of the 8-hour day or the 48-hour week a delay be granted to Roumania of not less than three years from the time when the aforesaid convention shall go into effect, in conformity with article 11 of the draft convention.

(Signed) CONSTANT ORGHIDAN,  
GREGOIRE MICHAESCO,  
*Government Delegates from Roumania.*

**MOTION PRESENTED BY MESSRS. SOFIANOPOULOS AND SKINZOPOULOS (GREECE).****APPLICATION TO GREECE OF THE CONVENTION LIMITING THE HOURS OF WORK.**

In conformity with article 405 of the Versailles peace treaty, and article 9 of the draft convention of the Organizing Committee, we request that in the enforcement of the 8-hour day or the 48-hour week a delay be granted to Greece of not less than 3 years from the time when the aforesaid convention shall go into effect, in conformity with article 11 of the draft convention.

(Signed) I. A. SOFIANOPOULOS,  
A. L. SKINZOPOULOS,  
*Government Delegates from Greece.*

**AMENDMENT PRESENTED BY MR. ROBERTSON (CANADA).****APPLICATION IN COUNTRIES WHICH OBSERVE THE SATURDAY HALF HOLIDAY OF THE CONVENTION LIMITING THE HOURS OF WORK.**

I propose that article 2 of the convention limiting the hours of work be amended as follows:

The working hours of employed persons shall not exceed 8 hours per day or 48 hours in the week, except as hereinafter provided. Where Saturday half holiday is observed and when no agreement to the contrary exists, hours worked may exceed 8 per day, but no more than 9 per day or 48 in any week.

(Signed) G. D. ROBERTSON.

**AMENDMENT PRESENTED BY MR. BARNES (GREAT BRITAIN).**

I propose that article 2 of the draft convention limiting the hours of work be amended as follows: after the word "provided" insert, "but the distribution of the hours per day shall be determined by the competent national authority according to the requirements of the industries, due consideration being given to representations which may be made by organizations of employers and workers where such may exist."

(Signed) G. N. BARNES.

**MOTION PRESENTED BY MR. JOUHAUX (FRANCE) ON BEHALF OF THE WORKERS' DELEGATES.****AMENDMENT TO THE TITLE OF THE DRAFT CONVENTION.**

That the title of the draft convention do read as follows:

Draft of a convention to limit the hours of work in industrial and commercial undertakings to a maximum of eight hours a day and forty-eight hours a week.

(Signed) LÉON JOUHAUX,  
*For the Workers' Delegates.*

**MOTION PRESENTED BY MR. ROWELL (CANADA).****REFERENCE OF THE DRAFT CONVENTION AND AMENDMENTS TO A SPECIAL COMMISSION.**

*Resolved*, That the draft convention and the proposed amendments thereto, submitted by or on behalf of employers', workers', and Governments' delegates, be referred to a commission, to be appointed, for consideration and report.

(Signed) NEWTON W. ROWELL.

**MOTION PRESENTED BY MESSRS. GUÉRIN (FRANCE) AND SCHINDLER (SWITZERLAND).****STUDIES AND INVESTIGATIONS PREPARATORY TO THE NEXT CONFERENCE.**

The report of the Commission on Unemployment, a summary of the work undertaken by the various subcommittees, takes up two well-defined series of questions, a certain number of which were not included in the agenda of the conference.

Some deal with documentation which it is proposed to obtain by means of international conventions, but which it would be infinitely more practical and more speedy to have collected by the International Labor Office without further delay.

The others aim to make use of conventions, recommendations, or resolutions for bringing about reciprocal agreements on emigration, insurance, and pensions, rights of organization, and other matters of extreme importance; but at the present moment there are great difficulties in the way of creating a uniform universal system on account of the legislation in force in the various countries.

It is recommended, therefore, that the conclusions in this report be referred to the governing body, in order that between now and the next session it may direct those departments, the organization of which may be considered necessary, to proceed with the studies and the necessary preliminary work.

(Signed) LOUIS GUÉRIN.  
DIETRICH SCHINDLER.

**AMENDMENT TO THE DRAFT CONVENTION OF THE COMMISSION ON UNEMPLOYMENT PRESENTED BY MR. GEMMILL.**

That the following words be added at the end of the draft resolution:

The representation of States in the European Continent on the commission shall be limited to one-half of the total membership of the commission.

(Signed) W. GEMMILL,  
*South African Employers' Delegate.*

**MOTION PRESENTED BY MR. BALDESI (ITALY).<sup>1</sup>****RECIPROCITY OF TREATMENT OF FOREIGN WORKERS.**

Whereas the supreme council of the allied and associated powers passed a resolution upon August 29, 1919, to refer the resolution of the commission on labor of June 4, 1919, to the International Labor Conference at Washington, and

<sup>1</sup> Motion seconded by Mr. Sokal (Poland).



Whereas the Organizing Committee of the conference has not been able to report upon the question, therefore be it

*Resolved*, That the International Labor Conference name a commission of seven members with instructions to study the principle of equality of treatment as the basis of reciprocity between aliens and nationals and to present a report upon that subject.

(Signed) GINO BALDESI.

#### MOTION PRESENTED BY EMPLOYERS' GROUP.

##### AMENDMENT TO THE DRAFT CONVENTION ON THE EMPLOYMENT OF WOMEN DURING THE NIGHT.

The stipulations of the Bern convention are retained with the following addition:

In industries where work will have to be arranged in two shifts, owing to application of the 8-hour day, the employment of women shall be authorized between 10 p. m. and 4 a. m. or between 11 p. m. and 5 a. m., providing that the work of each shift be divided by one hour of rest (i. e., for each shift, 4 hours of work, 1 hour of rest, 4 hours of work).

(Signed) THE EMPLOYERS' DELEGATES TO THE  
INTERNATIONAL LABOR CONFERENCE.

#### MOTION PRESENTED BY MR. BALDESI (ITALY) WITH REFERENCE TO THE REPORT OF THE COMMISSION ON THE EMPLOYMENT OF WOMEN AT NIGHT.

To add the following article:

The provisions of article 2 of the Bern convention shall be modified in the following manner: The night rest shall terminate at 6 o'clock in the morning and the working period by day shall terminate at 10 o'clock in the evening in the case of industries in which two shifts are worked. A rest of half an hour for each shift shall be included in the period of work.

(Signed) GINO BALDESI,  
*Italian Workers' Delegate.*

#### MOTION PRESENTED BY MISS MACARTHUR (GREAT BRITAIN).

##### AMENDMENT TO THE DRAFT CONVENTION ON EMPLOYMENT OF WOMEN BEFORE AND AFTER CHILDBIRTH.

To delete article 8.

(Signed) MARY R. MACARTHUR,  
*Substitute for Mr. Stuart-Bunning, British Workers' Delegate.*

#### AMENDMENT PROPOSED BY MR. JOUHAUX (FRANCE) TO THE DRAFT CONVENTION CONCERNING THE EMPLOYMENT OF WOMEN BEFORE AND AFTER CHILDBIRTH.

To modify articles 1 and 4 of the draft convention as follows:

ARTICLE 1. Women wage earners shall not be employed during the six weeks immediately following confinement, and during this period of rest they shall receive compensation as stated in the article below.

ART. 4. The indemnity mentioned in articles 1 and 2 shall be paid by the Government.

(Signed) LÉON JOUHAUX,  
*French Workers' Delegate.*

#### AMENDMENTS TO THE DRAFT CONVENTION ON THE EMPLOYMENT OF WOMEN BEFORE AND AFTER CHILDBIRTH, PRESENTED BY MESSRS. POSADA AND MARIN (SPAIN).

Article 1: For the last paragraph substitute the following:

In each country the competent authority shall determine the line of demarcation between industry and commerce on the one hand and agriculture on the other hand.

Section (b), first paragraph, same article, ought to read after the words "finished or adapted for sale": "and for commercial sale."

Suppression of article 3, the principle of which is contained in the first words of article 1.

Article 2: Between the words "industrial" and "undertaking" insert the words "or commercial."

Article 7: Before the words "system of insurance" insert the word "compulsory," and add a new paragraph, as follows:

In every case the compensation or the insurance shall be determined, if possible, by taking into account the number of children of the workers covered by the present convention.

(Signed) ADOLFO POSADA,  
J. GASCON MARIN,  
*Spanish Government Delegates.*

#### MOTION PRESENTED BY MR. STUART-BUNNING (GREAT BRITAIN).

##### AMENDMENT TO THE DRAFT CONVENTION ON THE ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT.

Replace clause 5 by the following:

In the application of the convention to India, the following modifications may take effect:

- Children under 12 should not be employed—
- (a) In factories working with power, employing more than 10 persons.
- (b) In mines and quarries.
- (c) On railroads.
- (d) On docks.

(Signed) G. H. STUART-BUNNING,  
*British Workers' Delegate.*

#### MOTION PRESENTED BY MR. SALA (SPAIN).

##### AMENDMENT TO THE REPORT OF THE COMMISSION ON EMPLOYMENT OF CHILDREN.

Inasmuch as the preamble of the treaty of peace, part 13, refers to the organizing of technical education as one of the principal means of improving the conditions of the working people in all countries, the undersigned, the employers' delegate from Spain, has the honor to submit to the conference the following recommendation to be added to the report of the commission on the employment of children in industrial undertakings:

Vocational education should be the object of special consideration in all countries, with a view to its being established in countries where it has not been already established, or with a view to its improvement in other cases, regard being had to the necessities of each country and to the betterment of the working classes.

(Signed) A. SALA.

#### AMENDMENT PROPOSED BY MR. SOFIANOPOULOS (GREECE) TO ARTICLE I OF THE DRAFT CONVENTION REGULATING THE AGE OF ADMISSION OF CHILDREN TO INDUSTRIAL WORK.

That countries which have not yet introduced vocational training shall benefit by an extension of three years from the time when the convention shall go into effect for the various countries.

That during this period these countries shall be authorized to permit the employment in the above-mentioned industries of children who have not yet fully completed 14 years of age but have passed the age of 12, on condition that these children shall have received an elementary school certificate and on condition that they shall produce a medical certificate of physical ability, as may be required by the legislation of each country.

(Signed) J. SOFIANOPOULOS,  
*Greek Government Delegate.*

#### AMENDMENT PRESENTED BY MR. VON KOCH (SWEDEN) TO THE DRAFT CONVENTION, TO PROHIBIT THE NIGHT WORK OF YOUNG PERSONS IN INDUSTRY.

The language of article 2 (a) is, I take it, intended to permit a State to suspend the convention in the event of a great emergency such as fire or flood. The language of this clause is, however, so general as to enable a State to suspend the convention if, for any reason whatsoever, it were in its interest to do so. There will, I hope, be no



opposition to making this clause sufficiently precise to insure the interpretation which is intended. I therefore propose to move the substitution of new clause (a) as follows:

(a) If, in case of serious emergency, the public interest requires it.

(Signed) R. G. H. VON KOCH.

**MOTION PRESENTED BY MR. H. WARINGTON SMYTH (SOUTH AFRICA).**

**AMENDMENT TO THE DRAFT CONVENTION TO PROHIBIT THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY.**

Add to article 3, paragraph (a) the following words: "Reduction of gold ore."

(Signed) H. WARINGTON SMYTH.

**MOTION PRESENTED BY MR. MIALL (GREAT BRITAIN).**

That an advisory committee on which the Governments, the employers, and the workers should all be represented, be appointed to act in an auxiliary capacity and to keep in touch with the activities of the health department of the International Labor Office.

(Signed) S. MIALL.

**MOTION PRESENTED BY THE DELEGATION OF ECUADOR.**

This Labor Conference was created for the all-important end of reaching such solutions as would tend to eliminate from the world differences growing out of the conflicting interests of labor and capital in the evolution of human progress.

The aims of the program sketched in the treaty of Versailles for consideration by this conference are plain, not only in the sense of seeking a reasonable limitation of work (No. 9), in seeking improvements in working conditions, but also in preventing or providing against unemployment (No. 10). These aims evidently spring from a sense of social justice. We may secure their realization by the consideration and adoption of such means as are appropriate, within the program proposed by the organizing committee, and by the means suggested to us through a full and free discussion of the problem.

The principle of the division of labor is an axiom of political economy, the practical application of which to industry has produced beneficial results. To apply that principle to the inner organization of nations, in order to obtain a maximum extension of work to the masses, will of itself prevent the intensity of individual work, work that, at the present time, is performed exclusively by those who work voluntarily, a fact that produces for the other portion of mankind (that which does not work) a liberty that should be denied by civilization, namely, the unrestricted liberty of idleness.

When the most advanced peoples of the world have just put an end to the most disastrous war which history has known, when humanity is endeavoring to make up the losses sustained in every sense, it would seem that the opportunity is ripe to make universal labor compulsory, as a logical conclusion of the application of the principle of "preventing or providing against unemployment."

Everyone should be a producer. The day when the idleness of those who can work shall no longer exist; the day when everyone shall work; the day when vagrancy shall become a mere memory of the times of an inferior civilization; that day will mark the passing out of the injustice of the coexistence of drones and workers in the great beehive of the world. And there will be no social question then, no labor problem, or whatever it may be called.

The original sin did not inflict punishment on man when it imposed upon him the duty of earning his bread by the sweat of his brow. Infinite Wisdom gave us thereby an auspicious opportunity for redemption. This redemption has not yet been attained by all men; the result is that the idleness of some counterbalances the work of others.

The possession of wealth should not be cause for exemption from the obligation of personal work, just as it does not grant exemption from compulsory military service. Reasons appear stronger for not granting such exemption when we consider that compulsory personal work will secure life and progress, while compulsory military service carries with it the fatal issues of death and ruin.

The English aristocrat and the English commoner but a short while ago became, overnight, joint members of the laboring class, in order to resist a formidable strike which threatened the complete paralysis of the life of the nation. This sudden temporary disappearance of class differences in the field of labor brought about a reaction which prevented, for the benefit of all, the catastrophe always produced when the laws of nature are upset by unusual accidents.

Let us make equality permanent in the field of labor as it is in the field of law. Thus, it would seem to lead to the abolition of existing differences and the elimination of the relation of oppressor and oppressed, now responsible for the social unbalance of the world, and to insure better days to humanity.

In view of the foregoing considerations, the delegation of the Republic of Ecuador moves the adoption of the following resolution:

**UNIVERSAL COMPULSORY LABOR.**

Whereas the principle of the division of labor is an axiom of political economy; Whereas it is unfair that only a portion of humanity should work; Whereas humankind is redeemed and progresses through labor; be it

*Resolved by the International Labor Conference:* To recommend to all Governments the necessity of adopting suitable legislation in order to establish universal compulsory labor, in keeping with individual aptitudes and in accordance with the limitations imposed by a proper regard for health and human life.

(Signed) R. H. ELIZALDE.  
J. CUEVA GARCIA.

**MOTION OFFERED BY A GROUP OF DELEGATES.**

**GENERAL AND VOCATIONAL INSTRUCTION FOR YOUNG PERSONS OF BOTH SEXES.**

The undersigned move that the International Labor Conference adopt the following resolution in conformity with the last paragraph of article 402 of the treaty of peace:

The International Labor Conference, recalling that, according to article 427 of the peace treaty, the permanent machinery provided for in section 1 of part 13 has been framed "in order to further the well-being, physically, morally, and intellectually of the industrial wage earner";

Referring to paragraph 6 of the article above mentioned in which "the abolition of child labor and the imposition of such limitations upon the employment of young persons as shall permit the continuance of their education and assure their proper physical development" are especially recommended;

Considering that no task is more urgent than to increase the general and technical proficiency of the workers;

Considering especially that their progress in that direction at the same time increases the efficiency of labor and enables the workman to share effectively the responsibility incurred in the conduct of industry;

Recognizing on the other hand that there may be such economic circumstances as may render it difficult for a given country to increase, without a preliminary international agreement, the time devoted to studies;

*Resolves:* The following matters are to be included in the agenda of the next meeting of the International Labor Conference;

(a) Harmonizing of the laws relating to the suppression and abolition of child labor and those relating to compulsory education;

(b) Limitation of the hours of work of young workers of both sexes to permit the development of their general and technical proficiency.

(Signed) MAX LAZARD (France).  
MAYOR DES PLANCHES (Italy).  
DE EZA (Spain).  
F. SOKAL (Poland).



**MOTION PRESENTED BY MR. CASTBERG (NORWAY).****THE 48-HOUR WEEK.**

Be it resolved that the question of prescribing a 48-hour week for those processes which, by their nature, are required be carried on continuously by a succession of shifts shall be included in the agenda of the next conference.

(Signed) JOHAN CASTBERG,  
*Government Delegate (Norway).*

**MOTION PRESENTED BY THE DELEGATION OF PARAGUAY FOR ESTABLISHMENT OF A COMMISSION ON MINIMUM WAGES.**

The delegates of Paraguay move the adoption of the following resolution:

Whereas the incorporation into the by-laws of this conference of the principle that human labor is not an article of commerce, implies the right of the State to enact the proper laws to enforce that principle so that human labor shall not be subject to the law of supply and demand, and in times of unemployment should not be subjected to inadequate wages brought about by abundance of labor, therefore be it

*Resolved*, That this International Labor Conference in its first session recommends to the States, members thereof, the establishment of a special commission that may gather the necessary material to study and report to a future conference upon the possibility of the establishing of minimum wages in the different industries in accordance with the third principle of the general declaration contained in article 427 of the treaty of Versailles, and be it further

*Resolved*, That the trades and processes with which this recommendation deals be the same as those contemplated by the convention on hours of work.

(Signed) M. GONDRA,  
A. CAMPOS,  
*Government delegates of Paraguay.*

**MOTION PRESENTED BY THE SWEDISH GOVERNMENT DELEGATES CONCERNING THE AGENDA FOR THE NEXT CONFERENCE.****ANNUAL VACATION FOR EMPLOYEES.**

The Swedish Government delegates present the following resolution:

Whereas it must be considered essential, for the physical as well as for the psychical health of employees, that they should enjoy, each year, a certain period of absolute rest: It is

*Resolved*, That the question of providing regular annual vacations for employees be included in the agenda for the next conference.

(Signed) A. E. M. SJÖBORG,  
R. G. H. VON KOCH,  
*Government Delegates of Sweden.*

**MOTION PRESENTED BY MR. GEMMILL (SOUTH AFRICA).****COMPOSITION OF THE GOVERNING BODY.**

I move that in view of the fact that no less than 20 out of the 24 members of the governing body of the International Labor Office, appointed under article 393 (7) of the peace treaty, are representatives of European countries, the conference proceed under article 422 (36) of the treaty to amend the said article 393 (7) by laying down a maximum total representation of countries in Europe and so as to insure more adequate representation of countries outside of Europe.

(Signed) W. GEMMILL,  
*Employers' Delegate of South Africa.*

**MOTION PRESENTED BY THE ARGENTINE DELEGATION.****STUDIES FOR THE NEXT SESSION OF THE LABOR CONFERENCE.**

The Argentine delegation proposes that the following matters be material for study and debate in the next conference:

1. A legal system which permits of:
  - (a) Preventing strikes; and
  - (b) Arriving at settlements when prevention has not given the expected results.
2. A system which tends to create industrial courts of justice with exclusive jurisdiction:

(a) In all judgments and questions relative to the labor contract; and

(b) In the application of the fines or penalties which the laws of each country fix for the infraction of the labor laws.

These courts of justice should act:

- (a) Graciously for the workers; and
- (b) With expeditious and summary process.

3. A legal system which protects the wage of the worker, declaring:

- (a) Exemption from attachment.
- (b) Payment in legal tender.
- (c) Semimonthly payment.

4. A legal system concerned with the regulation of home work without distinction as to the sex of the workers, and carrying with it the fixing of a legal minimum wage by joint commissions of workers and employers.

5. A system of interruption of the working period having regard to the fact that the weekly rest must, as far as possible:

- (a) Be on Sunday.
- (b) Be absolute, and include 24 uninterrupted hours.

6. A legal system of accident compensation placing:

- (a) The whole cost of the system upon the employers; and
- (b) Occupational disease upon the same plane as accidents.

(c) The workers to have guaranties against the insolvency of employers.

7. A legal system regulating working conditions in factories, workshops, and other places of work, with a view:

(a) To protecting the safety of the workers by preventing accidents; and

(b) To protect their health, avoiding the dangers of industrial poisoning in accordance with the conclusions of industrial hygiene.

(Signed) L. ANASTASI,  
F. ESPIL,  
A. J. BALINO,  
H. PINI,  
*Delegates of Argentina.*

**MOTION PRESENTED BY MR. CABALLERO (SPAIN).****APPOINTMENT OF REPRESENTATIVES OF THE INTERNATIONAL LABOR OFFICE IN EACH COUNTRY.**

In order that the decisions of this and following conferences may have every possible effectiveness, the peace treaty recognizes, in its labor clauses, that an inspection service should be organized in each state. But as it is absolutely necessary that the governing body should have a special representative in each country, who should be empowered to act as the medium of communication between the International Labor Office, the Governments, and the trade-unions, and who should be a person able to offer every guarantee to the labor cause, this labor delegation proposes that the following question be included in the program of the next conference:

"Appointment and duties of the representative or representatives of the International Labor Office in each country."

(Signed) FRANCISCO LARGO CABALLERO,  
*Spanish Labor Delegate.*

**MOTION PRESENTED BY MR. VON KOCH (SWEDEN.)****REVISION OF THE LIST OF INDUSTRIES IN THE DRAFT CONVENTION LIMITING THE HOURS OF WORK.**

The list of industries enumerated in Article I of the draft convention limiting the hours of work should be accepted only provisionally; that list should be submitted to the next International Labor Conference with a view to its ratification, after having been previously examined by the governing body of the International Labor Office.

(Signed) R. J. H. VON KOCH,  
*Government Delegate of Sweden.*



**MOTION PRESENTED BY MR. CABALLERO (SPAIN).****RIGHT OF ORGANIZATION OF WORKERS AND FREEDOM OF THE PRESS.**

In order that articles 1 and 2 of the clauses in the peace treaty, having reference to labor, may be placed on an unequivocal basis, the labor delegation of Spain proposes that the following be included in the program of the next International Labor Conference as a subject of first importance:

"The labor policy to be developed by the agency created by the peace treaty or by the International Labor Conference is a policy not merely of labor protection, but also of labor liberation. And to this end the necessity for the participation of labor in the management of production must be recognized."

Since every policy is based on a fundamental principle, it is necessary that the conference should determine the fundamental principles on which a labor policy should be founded.

In the judgment of this delegation it would be desirable to determine at the next conference the following bases:

1. The trade-union is the only adequate organ for dealing, through freely elected representatives, with skilled labor and with every question concerning labor in its relations with employers.

2. The right of combination and association, meeting and freedom of the press, must be so completely recognized that the authorities will not be able, under any circumstances whatsoever, legally to deprive organized labor of these rights.

In case of wrongdoing the responsibility for the act shall fall upon the individual, or upon the governing board of the society to which the individual belongs; but in no case whatsoever shall the responsibility for wrongdoing fall on the association as a whole, thereby closing labor centers or suspending the rights of meeting or the freedom of the press.

3. The army may not intervene in labor conflicts, either to control them or to furnish substitutes for strikers. Nor may it adjudge through its tribunals those who have violated social laws.

(Signed) FRANCISCO LARGO CABALLERO,  
*Labor Delegate of Spain.*

**MOTION PRESENTED BY MR. SANJI MUTO (JAPAN).****WORKERS' PENSIONS, SICK AND DEATH BENEFITS, AND EDUCATION.**

It is proposed that the following subjects be included in the agenda of the next conference:

Universal legislation in the matters of workmen's pensions, provision of sick and death benefits to workers and their families, industrial and moral training.

(Signed) SANJI MUTO,  
*Employers' Delegate of Japan.*

**MOTION PRESENTED BY MR. CABALLERO (SPAIN).****INCLUSION OF AGRICULTURAL LABOR ON THE AGENDA OF THE NEXT CONFERENCE.**

In view of the fact that the present conference has completely set aside the question of agricultural interests, the undersigned labor delegate, in the name of the laborers of Spain, requests that the following subject be included in the program of the next conference: "The question of agricultural labor," and that the following points be embraced in its analysis:

- (a) Employment of women and children.
- (b) Enforced unemployment and its remedies.
- (c) Bases of leasing contracts.
- (d) Necessity of community pastures.
- (e) Compulsory scientific cultivation of lands.
- (f) Accidents and sickness among agricultural workers.

(Signed) FRANCISCO LARGO CABALLERO,  
*Labor Delegate of Spain.*

**MOTION PRESENTED BY MR. ILG (SWITZERLAND).****SATURDAY HALF HOLIDAY.**

The undersigned moves that the following subject be put on the agenda of the next conference: Working day of eight hours on each of the first five days of the week and of less than eight hours on Saturday.

(Signed) CONRAD ILG,  
*Workers' Delegate of Switzerland.*

**PROPOSAL OF MR. VARELA (URUGUAY) CONCERNING THE PROGRAM OF THE NEXT CONFERENCE.**

I propose that there shall be included in the agenda of the next International Labor Conference the problem of pensions to the aged and the incapacitated.

Attached herewith is the law now in force in the Republic of Uruguay, which same offers an ample and liberal solution of this important question and which has the support of both people and Government in my country.

(Signed) J. VARELA,  
*Government Delegate of Uruguay.*

**OLD-AGE PENSIONS.**

*Law of February 11, 1919.*

**ARTICLE 1.**

Any person who has reached 60 years of age, or any person of whatsoever age who is wholly incapacitated and who is found to be in an indigent state, shall be entitled to receive from the State a minimum pension of \$96, annually, or its equivalent in direct or indirect assistance.

**ARTICLE 2.**

Foreigners or citizens by naturalization must have resided continuously in the country for at least 15 years in order to be entitled to pensions, and this must not exceed the minimum accorded to a native-born citizen.

**ARTICLE 3.**

For the purpose of providing old age pensions to the aged and for carrying out other provisions of this law there shall be levied:

1. A tax for future contingencies of 20 cents monthly, to be paid by each employer or manager for each workman or employee in his service.

2. A surtax, which must be paid by owners of real estate, the total value of which is not less than \$200,000, in accordance with the following scale:

| Capital value.                   | Surtax per thousand. | Capital value.                    | Surtax per thousand. |
|----------------------------------|----------------------|-----------------------------------|----------------------|
| \$200,000 and under \$300,000... | \$1.05               | \$500,000 and under \$600,000.... | \$1.20               |
| \$300,000 and under \$400,000... | 1.10                 | \$600,000 and under \$700,000.... | 1.25                 |
| \$400,000 and under \$500,000... | 1.15                 | \$700,000 and over.....           | 1.30                 |

3. A tax on imported playing cards of 20 cents per pack and 10 cents per pack on those of domestic manufacture.

4. An increase in import duty of 2 cents per bottle or per liter on the following liquors: whisky, absinthe, bitters, vermouth, cognac, grappa, fernet, gin, kirsch.

5. Fine wines shall pay a duty of 12 cents per bottle or liter. Where liquors are sold in bottles or vessels holding more than a liter the duty shall be levied proportionally.

6. A tax of 6 cents per liter upon alcohol, whether domestic or imported.

7. An increase to 13 cents of the domestic tax upon imported beverages.



## ARTICLE 4.

The Pension Service shall arrange its distribution methods in accordance with article 2.

## ARTICLE 5.

Calculations for the annual pension appropriation should be made to allow for a reserve fund to cover decreases in revenue, as well as to provide for the construction of houses or other buildings for the care of indigent, aged, or incapacitated persons who may be willing to pay in part for the shelter and protection afforded them.

Persons not entitled to pensions shall be assisted by the service provided therefor.

## ARTICLE 6.

If during the first year of the application of this law the taxes designed for the purpose do not amount to a sum sufficient for the payment in the proportion fixed, there shall be included in the next budget a supplementary contribution from the State to make up the necessary amount mentioned as the minimum in article 1.

## ARTICLE 7.

In case any person entitled to a pension shall be in receipt of an income from other sources, the State shall pay such pension in full, if said income does not amount to more than \$10 per annum; but if such income shall be of greater value than \$10, the State shall decrease the pension by half.

## ARTICLE 8.

The tax for future contingencies created by article 3 shall be applied by means of stamps, each one being of the value of one month's payment. The administrator shall furnish a book, in which such stamps may be placed, to each contributor, including laborers in the public service. The full payment of the same may be proved by showing the said book, which shall be in the name of the contributor and shall carry a serial number, recorded in the general registry and deposited under the supervision of the director of taxes.

The cost of the book shall be paid by the contributor.

## ARTICLE 9.

The revenue produced by taxes created by this law shall be deposited monthly in the insurance bank of the State, which institution shall establish a special fund from which to effect the prompt payment of pensions. This service shall be free, and the bank shall make no charges for reimbursement beyond the actual cost.

## ARTICLE 10.

Nothing in this act shall be construed as invalidating any act which may be made with regard to accident insurance or public pensions.

## ARTICLE 11.

Legacies and donations may be accepted for the pension fund above mentioned.

## ARTICLE 12.

Assessments for the tax for future contingencies may be paid in annual installments in advance. In such cases there shall be provided stamps of the value of the entire annual installment.

## ARTICLE 13.

Proofs of the age and nationality of all persons seeking pensions shall be provided by either baptismal certificates or birth certificates of the civil registry, according to whether the person in question was born before or since 1879.

Foreigners may furnish corresponding documents from their native countries.

## ARTICLE 14.

Proof of residence shall be by information duly certified by responsible persons.

Such declarations shall be made before judges of primary courts of claims in coast and interior cities and before justices of the peace in Montevideo.

## ARTICLE 15.

The administration shall have the right to institute proceedings for the verification of such proofs.

If it shall be proved by such investigations that perjury has been committed, the guilty person or persons shall be punished by confinement in prison for not less than one and not more than two years.

## ARTICLE 16.

Violations of the provisions of this law shall be punishable by fines of from \$10 to \$15.

Fifty per cent of these fines shall revert to the inspectors or to accusers.

## ARTICLE 17.

All sums for the account of the State shall be included by the interested department in the budget of general expenses.

## ARTICLE 18.

The pensions referred to in this law shall be effective three months after its promulgation.

## ARTICLE 19.

The Executive shall enforce the present law.

## ARTICLE 20.

Enacting clause.

*Law of September 1, 1919.*

## ARTICLE I.

Articles 13 and 14 of the law of February 11, 1919, are hereby repealed.

## ARTICLE II.

The proofs of age and nationality required by this law may be established by the presentation of birth certificates of the civil registry of the State in the cases of persons born after July 1, 1879, and by baptismal certificates in the cases of those born before that date. Parochial certificates or certificates of the civil authority shall be accepted as sufficient if bearing the seal of the civil registry. The insurance bank of the State may accept as proofs sufficient for this law birth certificates, passports, or documents from foreign countries, even when not legalized, provided they believe them authentic and see no reason to doubt their validity. Also the bank may dispense with complete information concerning the age of the applicant, if the report of the physicians of the institution do not establish in categorical manner that the person is of the age required by the law.

## ARTICLE III.

Proof of residence of 15 years by foreigners may be established by information furnished by responsible witnesses. These proofs are mandatory and must be signed before a justice of the peace of the domicile of the petitioner in the department of the capital, and before judges of the court in other departments. These declarations may be made upon ordinary paper and without charge. The certificates shall be executed upon printed forms furnished by the bank. In case the petitioner is unable to appear before the aforementioned justice or judge, or in case the petitioner is unable to sign his petition, another person may execute it for him before a judge or justice who shall go to the house of the petitioner and make certification thereto. This petition shall be afterwards forwarded to the proper court to undergo the necessary legal procedure. This act may also be certified to by a notary public.

## ARTICLE IV.

The insurance bank of the State has the power to suspend the payment of pensions to such persons as are proved to be mendicants or inebriates.



## ARTICLE V.

Whenever five members of the board of directors of the State insurance bank consider that the petitioner is entitled to relief for subsistence under the provisions of the civil code, he may be granted a pension provisionally, provided that in order that the aforesaid provisions of the law shall be effective and in order that the insurance bank of the State may be reimbursed for the sums so disbursed as pensions, the procedure necessary to obtain the said pensions shall be initiated by the person soliciting assistance, who shall for that purpose be aided by the law officer of the employment bureau. This procedure shall be without charge to the petitioner, who shall be entitled to file his petition upon ordinary paper, except in cases in which the judge may deem the reasons presented as insufficient to justify the remission of costs.

## ARTICLE VI.

All aliens who arrive on or after the date of the promulgation of this law, February 12, 1919, and who at the time of entry are incapacitated for work, shall not be entitled to pensions.

## ARTICLE VII.

The insurance bank of the State shall have all rights possessed by the administrator under article 15 of the law of February 11, 1919, to initiate proceedings for the verification of proof.

## ARTICLE VIII.

Enacting clause.

## LETTER FROM MR. SAASTAMOINEN (FINLAND).

## USE OF WHITE PHOSPHORUS IN THE MANUFACTURE OF MATCHES.

WASHINGTON, November 28, 1919.

Mr. H. B. BUTLER,  
Secretary General International Labor Conference.  
Executive Offices, Navy Building, Washington, D. C.

SIR: Referring to your communication of the 21st instant, I beg to advise you that Finland has never ratified the Bern convention of 1906, regulating the use of white phosphorus in the manufacture of matches. But inasmuch as the act of November 13, 1872, which has since been and is still in force in Finland, prohibits the manufacture, importation, and selling of matches containing white phosphorus, it is evident that Finland is ready to abide by any international convention regulating this matter and is willing to adhere to such convention.

Please accept my apology for being somewhat late in answering your inquiry.

I am, sir, respectfully yours,

(Signed) A. H. SAASTAMOINEN,  
Government Delegate for Finland.

## MOTION PRESENTED BY SIR MALCOLM DELEIVINGNE (GREAT BRITAIN).

## RECOMMENDATIONS WITH REGARD TO THE USE OF WHITE PHOSPHORUS.

It is proposed that this conference recommend to all members of the International Labor Organization which have not yet done so that they should adhere to the International Convention, adopted at Bern in 1906, on the prohibition of the use of white phosphorus in the manufacture of matches.

(Signed) MALCOLM DELEIVINGNE.

## MOTION PRESENTED BY MESSRS. ARMENTEROS AND JUSTIZ (CUBA).

## RULES OF PROCEDURE FOR THE NOMINATION OF NONGOVERNMENT DELEGATES TO THE CONFERENCE.

Various countries have experienced difficulties in the nomination of nongovernment delegates to this conference and in some cases have even been unable to appoint them, as can be seen from the report of the commission on credentials, from report No. 2 of the

commission on standing orders [printed in the present record], and from the debates upon the adoption of these reports.

The treaty of peace, while it states that the nongovernment delegates—

must be chosen in agreement with the industrial organization, if such organizations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries—

does not indicate what procedure is to be followed to arrive at that agreement when questions arise, for instance, as to what organizations in a given country are to be consulted, how the votes are to be apportioned among them, how the voting is to be carried out, and does not determine clearly whether industrial organizations include organizations in the field of agriculture and commerce as well as industry.

It would therefore be well to attempt to fix upon some procedure by which these questions might be settled satisfactorily in each country and so make it less likely that nominations, made by Governments in good faith, would be challenged before the conference on account of some misunderstanding.

It is therefore proposed that the conference request the Governing Body of the International Labor Office to study the question of the procedure to be followed by the different members in the nomination of nongovernment delegates to the conference, so as to avoid in the future, as far as possible, such difficulties as have arisen in connection with the nominations to the first conference.

(Signed) CARLOS ARMENTEROS,  
F. CARRERA JUSTIZ,  
Delegates of Cuba.

## COMMUNICATION FROM THE DELEGATE OF URUGUAY.

## SUBSISTENCE FOR UNEMPLOYED WORKERS IN URUGUAY.

(Publication of the following has been authorized and directed by the chairman pro tempore of the conference.)

## THE PRESIDENT OF THE INTERNATIONAL LABOR CONFERENCE:

Herewith attached, I have the honor to present to you, as an exhibit, a contribution to the study of the unemployment problem, a copy of the law referring to that question which is now in force in the Republic of Uruguay.

The said legislation, known as the Brum Law, on the right to live, was presented to the Parliament by the present president of my country with the following explanation, signed by him as secretary of state, which office he held at that time.

This bill recognizes the right of every inhabitant of the country who may be found to be destitute of resources to be fed by the State.

It is inconceivable that a person could die of hunger in a civilized nation. To avoid such occurrences it is not enough that philanthropic societies may exist in the land; because such organizations may prove entirely impotent during industrial panics, the very times when such destitution is caused and must be relieved.

The right of every person to live should be recognized, just as is recognized the right of everyone to public assistance in case of serious illness.

If it be admitted that the State is obligated to furnish medical assistance to the indigent sick gratuitously, it should also be admitted logically that it has the obligation to furnish food to the healthy laborer without employment, in order to prevent his family from dying of starvation.

The eminent statesman, Rodolphe Broda, in the Review called the Documents of Progress, says:

"It has often been pointed out in this connection that every system of social betterment being evolved from a sentimental point of view, by trying to diminish human suffering, preserves the existence of many individuals really unfit to live, thereby preventing the survival of the strongest, and that therefore their efforts are hostile to true progress. But in my opinion, this objection is utterly worthless. The conservation of those who, after having loyally discharged their tasks in the struggle for life, are threatened by destruction, is an imperative social duty. And the efforts by which cooperative aid may be given that will prevent one human being from perishing constitute a great social victory \* \* \*"

Since the beginning of the present economic crisis, food has been furnished to unemployed laborers without any distinction whatsoever as to age, nationality, or political or religious partisanship, and apart from any effort to find them work either in public or private industries.

Although certain sums of money may be continually employed in this relief work, I believe it is opportune that a law should be sanctioned whereby the State would be obligated to furnish subsistence to those persons without means to feed themselves.



Finally, more than 2,000 laborers have been out of employment, through the diminution of work in the refrigerating plants in Montevideo and other parts of Uruguay. These laborers are not in any way responsible for this lack of employment; but it may easily be imagined what such a condition means to them when we remember that almost every one of them has a family and home to be supported.

As at the present time these laborers find it so difficult either to find employment or to leave their country, they are confronted by the following dilemma: to die of hunger or to become thieves. In order to avoid these disasters, I have proposed that each unemployed person be given two meals daily.

For many years the problem of the subsistence of unemployed laborers has occupied the attention of statesmen. In various countries they have decided on an insurance system, which is undoubtedly the best solution. But as this requires vast expense, I believe that, without in any way prejudicing the careful study of the insurance method of relief, the proposition expressed in the attached bill may be accepted as a means of ready relief.

May these humane principles be extended throughout the world in future years.

(Signed) J. VARELA,  
*Government Delegate of Uruguay.*

#### EXTRACT FROM THE TEXT OF THE BRUM LAW.

ARTICLE 1. The executive power shall furnish, in commissaries, barracks, or other appropriate places, food to each and every inhabitant of the country who, by reason of any circumstances whatsoever, is without employment, or who lacks the means of subsistence.

ARTICLE 2. The obligation referred to in the preceding article shall cease when the person assisted has refused to accept, without just cause, any employment which may have been offered to him.

#### AMENDMENT BY THE DELEGATES FROM CUBA TO THE DRAFT CONVENTION ON HOURS OF WORK.

The delegates from Cuba respectfully submit the following with regard to the amendments proposed to the draft convention on hours of work by the Swedish Government delegates:

The words "raw sugar" should be omitted from the proposed amendment to article 4.

The delegates from Cuba, while accepting the principle of the 48-hour week, are obliged to except the manufacture of raw sugar from its application, for the following reasons:

Although the extraction of the raw sugar from the cane is done by mechanical and chemical means, it is in no sense an independent industry, as is the refining of sugar; it is simply the final stage in the agricultural process, from which it is absolutely inseparable.

The cutting and grinding of the cane must go on together. The cane can not be cut and left in the fields, nor can it be stored, for it begins to lose sugar rapidly 24 hours after being cut. It must, therefore, be subjected immediately to mechanical processes to preserve it and make it fit for transportation to the refineries where the raw product is manufactured into commercial or white sugar. If it were possible to keep the cane after being cut for any length of time, or to transport it long distances, the process of making raw sugar would not be agricultural but essentially industrial.

The product obtained from the cane in Cuba is a raw material—brown or crude sugar—from which the refineries in other countries, to which the Cuban product is exported, make the white sugar in its various commercial forms. The brown or raw sugar, in order to be rid of its mechanical and chemical impurities and to be fit for use, must be subjected in the refinery to four distinct operations—mixing, boiling, filtering, and drying—and must pass through no less than 13 separate sets of machinery to undergo as many different processes before it is changed into the granulated form or various other forms of white sugar. It is thus clear that raw sugar is an agricultural product, which is later manufactured by the refineries into the sugar of commerce.

The extraction of the juice from the cane and its conversion into the raw product—brown or raw sugar—is an operation not only

immediately associated with agriculture in point of time, but is also a seasonal occupation, which must be carried on during the dry season, generally December to April. The rains begin, as a rule, in May, and they have the effect of diminishing, in a notable degree, the sugar content of the cane and of rendering it unfit for the extraction of sugar. The rains also have the effect of making work in fields impossible, as the heavy carts loaded with cane can not be hauled. The process of cutting cane and extracting raw sugar from it is thus typically a seasonal occupation. It is also continuous in its nature. The machinery or plant must be kept going both day and night during the seven days of the week, for it would cause great waste to interrupt the operation every few days, and the cane must be ground before the rains set in. There is always more ripe cane available on the fields than can be cut and ground, so that even after continuous operation for the five months much cane is necessarily left over. This is due to the enormous quantity that is planted, to the difficulties of transporting the cane, and to the scarcity of labor.

The laborers employed during the harvest season in cutting the cane and extracting the sugar from it are, to an important extent, transient immigrant laborers who come from the Spanish mainland, the Canary Islands, the West Indies, and other points solely to assist in these operations, and after the work is over retire to other countries in search of employment. From 50,000 to 60,000 immigrants come in this way each year, but in spite of this influx of workers, there are never enough laborers to cut the cane available in any one year and attend to the milling operations, so that production is always less than is possible. It must be taken into account that the population of Cuba is slightly above two and a half millions and that, nevertheless, Cuba produces nearly one-fourth of all the sugar supply of the world, that is, over 4,000,000 tons (this year) out of a total world production of sixteen and a half millions.

From the facts set forth, it is clear that the operation of making raw sugar under Cuban conditions comes under the head of agricultural undertakings and must therefore be considered in connection with agriculture when this subject is taken up by the conference. The Cuban Government would be unable to apply a convention, drawn up for industrial undertakings exclusively, to the process of making raw sugar, but the Government of Cuba is ready to apply the convention to all industries to which it properly relates.

(Signed) LUIS ROSAINS,  
*For the Delegates from Cuba.*

#### MOTION PRESENTED BY A GROUP OF DELEGATES.

##### COMPOSITION OF THE GOVERNING BODY.

The undersigned, delegates to the International Labor Conference, give notice that the following resolution will be submitted for approval to the conference by Mr. Gemmill, delegate from South Africa:

Whereas not less than 20 members of the 24 comprising the governing body of the International Labor Office are representatives of European countries, the International Labor Conference expresses its disapproval of the manner in which said governing body is composed.

(Signed) U. MASUMOTO (Japan); S. R. PARSONS (Canada); CARLOS ARMENTEROS (Cuba); FELIPE ESPIL (Argentina); L. J. KERSHAW (India); A. C. CHATERJEE (India); N. M. JOSHI (India); W. GEMMILL (South Africa); A. CRAWFORD (South Africa); H. WARRINGTON SMYTH (South Africa); V. A. PUJAZON (Peru); J. VARELA (Uruguay); A. DE MELLO FRANCO (Brazil); LINGOH WANG (China).



## RESOLUTIONS ADOPTED BY THE CONFERENCE.

### EXPRESSION OF THANKS TO AMERICAN GOVERNMENT.

The delegates of the Governments, the employers and the workers now assembled at Washington, desire to express, at the beginning of their labors, their most sincere thanks to the Government of the United States for having undertaken to convene this conference, and to convey their most fervent wishes for the speedy restoration to health of the President of the United States.

### RESOLUTION OF SYMPATHY WITH THE POPULATION OF THE DEVASTATED REGIONS.

The International Labor Conference views with sympathetic concern the distress of the peoples of the devastated countries, consequent upon the destruction of homes and property in the devastated areas; it records its desire that the reconstruction of those devastated areas should be expedited, and it affirms that the Governments and organizations which may carry out the convention limiting the hours of work may properly regard work of reconstruction as justifying special consideration.

### INVITATION TO THE ORGANIZATIONS OF EMPLOYERS AND WORKERS OF THE UNITED STATES.

The delegates of the Governments, the employers and the workers, here assembled, request the organizing committee to invite organizations of workers and employers of the United States already named by the Secretary of Labor, Mr. Wilson, to send their delegates to this conference.

### ADMISSION OF GERMANY AND AUSTRIA TO THE INTERNATIONAL LABOR ORGANIZATION.

Whereas in the course of the negotiations concerning the treaty of peace, the allied and associated powers agreed with Germany and Austria to accept the idea of their early admission to the International Labor Organization and decided to leave the question to the Washington conference for its decision, with a recommendation in favor of their admission after the conclusion of the conference, and

Whereas at a later date the allied and associated powers referred the question of the immediate admission of Germany and Austria to the labor conference at Washington, to the decision of the conference itself;

Therefore,

The International Labor Conference, acting in accordance with the decisions of the allied and associated powers,

*Resolves*, That in anticipation of their admission to the League of Nations and in view of their expressed willingness to cooperate in the work of the labor organization, Germany and Austria are hereby admitted to membership in the International Labor Organization with the same rights and obligations possessed by the other members of the labor organization, according to the terms of the treaties of peace signed at Versailles on the 28th day of June, 1919, and at St. Germain on the 10th day of September, 1919.

### INVITATION TO THE DELEGATES OF FINLAND TO TAKE PART IN THE CONFERENCE.

The conference, without passing on the question of principle, welcomes the delegates nominated by Finland to attend the Washington meeting, and invites these delegates to take part in the

conference on the same conditions as obtain in the case of other countries which have not adhered to the covenant of the League of Nations.

### REFUSAL TO ACT UPON THE ADMISSION OF LUXEMBURG, SAN DOMINGO, AND MEXICO.

The conference having before it no official application for admission to the conference from the Governments of Luxemburg, the Dominican Republic, and Mexico, is of the opinion that no recommendation as to their admission would be competent.

### MAINTENANCE OF WAGE STANDARDS.

The conference hopes that in no case shall the wages of workers be reduced simply by reason of the introduction of the 8-hour day and the 48-hour week, in order that the conditions which exist in certain industries and which the present convention allows to continue may not be aggravated by the imposition of lower wages on the workers.

### EFFECT OF CONVENTION UPON EXISTING STANDARDS MORE ADVANTAGEOUS THAN THOSE PROVIDED.

The conference resolves that the provisions of the convention limiting the hours of work shall not interfere with any better conditions already in operation, or agreed upon, for all or part of the workers of any country.

Neither shall they interfere with any negotiations now pending in which the workers are asking for better conditions than the convention provides.

### ESTABLISHMENT OF A SPECIAL SECTION IN THE INTERNATIONAL LABOR OFFICE.

The conference resolves that, in connection with the problem of unemployment, a special section shall be created in the International Labor Office, to be specially charged with the consideration of all questions concerning the migration of workers and the condition of foreign wage earners.

### CREATION OF AN INTERNATIONAL COMMISSION TO REGULATE THE MIGRATION OF WORKERS.

The conference resolves that the governing body of the International Labor Office shall appoint an international commission, which, while giving due regard to the sovereign rights of each State, shall consider and report what measures can be adopted to regulate the migration of workers out of their own States and to protect the interests of wage earners residing in States other than their own, such commission to present its report at the meeting of the International Conference in 1920.

The representation of European countries on the commission shall be limited to one-half the total membership of the commission.

### CREATION OF AN INTERNATIONAL COMMISSION TO RECOMMEND METHODS OF GATHERING UNEMPLOYMENT DATA.

The Conference resolves that the governing body of the International Labor Office is invited to form an international commission empowered to formulate recommendations upon the best methods to be adopted in each State for collecting and publishing all infor-



mation relative to the problem of unemployment, in such form and for such periods of time as may be internationally comparable.

So far as agricultural unemployment is particularly concerned, the International Labor Office shall come to an understanding with the International Institute of Agriculture at Rome, in order that the latter may regularly transmit the information collected by the Institute relative to the aforesaid unemployment.

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#### **ADDITIONAL PROTECTION FOR WOMEN AFTER CONFINEMENT.**

The conference requests the nations, members of the International Labor Organization, to study the question of giving every working woman the right to remain away from work after the birth of a child for a period longer than that fixed in the draft convention and of assuring to her certain benefits during her absence for the purpose of enabling her to remain with and to nurse her child. The conference suggests also that this subject be placed upon the agenda for the next conference.

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#### **INVITATION TO THE INDIAN GOVERNMENT TO STUDY THE PROBLEM OF THE EMPLOYMENT OF WOMEN.**

The conference requests the Indian Government to make a study of the question of the employment of women before and after confinement, and of maternity benefits, before the next conference, and to report on these matters to the next conference.

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#### **COMPOSITION OF THE GOVERNING BODY.**

The conference expresses its disapproval of the composition of the governing body of the International Labor Office, inasmuch as no less than 20 of the 24 members of that body are representatives of European countries.

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#### **DELEGATION OF AUTHORITY TO THE GOVERNING BODY.**

Inasmuch as the treaty of peace has not yet been ratified, the International Labor Conference authorizes the governing body of the International Labor Office to take such measures as may be necessary to render the resolutions of the conference effective. Therefore, when this conference adjourns to-day (Nov. 29, 1919), it adjourns leaving it at the discretion of the governing body to reconvene the present meeting or to declare it closed, as may be deemed advisable.

#### **CREATION OF A COMMITTEE UPON THE ACTIVITIES OF THE HEALTH SECTION.**

The conference resolves that an advisory committee on which the governments, the employers, and the workers shall all be represented shall be appointed without delay to keep in touch with the work of the health section of the International Labor Organization.

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#### **PREPARATION OF THE AGENDA OF THE 1920 CONFERENCE.**

The conference resolves that the preparation of the agenda for the next meeting be left to the governing body of the International Labor Office, which shall proceed in the same manner in which the organizing committee undertook the work for this conference, and that, in accordance with article 400, each of the different groups should send their suggestions and resolutions to that governing body for consideration.

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#### **EXTENSION OF THE CONVENTIONS TO STATES NOT MEMBERS OF THE INTERNATIONAL LABOR ORGANIZATION.**

The conference expresses the wish that the provisions of the draft conventions adopted by the conference may be followed in the legislation of all industrial countries, and to this end it directs the governing body of the International Labor Office to communicate the texts of the draft conventions to all the governments of the States which are not members of the International Labor Organization and to study the possible methods for inducing those States to embody the provisions of these conventions in their domestic legislation.

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#### **GREETING TO THE AMERICAN PEOPLE UPON THANKSGIVING DAY.**

The first International Labor Conference, on the occasion of America's Thanksgiving holiday, takes this opportunity of uniting with the great people of this land in an expression of thanksgiving and praise. At the same time the representatives of the nations of the world here assembled desire to convey to the United States a message of appreciation and esteem from their respective peoples and to bespeak for the future a perpetuation of the cordial relationships now existing between them and the great nation whose guests they are on this occasion.

This conference fervently expresses the hope that this and future meetings may become an added instrumentality to the advancement of mankind and the permanent establishment of peace and good will upon earth.







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**ENRIQUEZ, DON RAMON (of Nicaragua, Government delegate).**

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**FRAIPONT, MARCEL** (*of Belgium, adviser to employers' delegate*).

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*Attendance:* Sessions of Nov. 10 (10), 77; Nov. 12 (11), 85; Nov. 13 (12), 91; Nov. 17 (13), 92; Nov. 19 (14), 100; Nov. 20 (15), 107; Nov. 21 (16), 114; Nov. 24 (17); 124; Nov. 25 (18), 130; Nov. 25 (19), 138; Nov. 26 (20), 146; Nov. 26 (21), 157; Nov. 27 (22), 168; Nov. 28 (23), 176.

**FRANTZ, SVETA** (*of the Serb, Croat and Slovene State, workers' delegate*).

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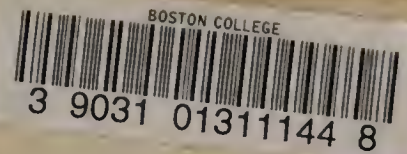








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